



Town of Waynesville, NC

Board of Aldermen Regular Meeting

Town Hall, 9 South Main Street, Waynesville, NC 28786

Date: October 13, 2020 Time: 6:30 p.m.

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A. CALL TO ORDER - Mayor Gary Caldwell

1. Welcome/Calendar/Announcements

2. Adoption of Minutes

Motion: To approve the minutes of the September 8th, 2020 regular meeting and the September 22nd, 2020 regular meeting as presented (or as corrected

B. PRESENTATIONS

3. TDA 1% Zip Code Funding Year End Report for 28786/86

- Lynn Collins

C. PUBLIC COMMENT

D. CALL FOR PUBLIC HEARINGS

4. Call for a Public Hearing to consider a request for Annexation for three parcels of property along Dellwood Road and Ivy Hill: 1778 Dellwood Road, PIN 8617-10-6618; "Lot 75" of Ivy Hill Subdivision, PIN 8617-10-6745; and "Lot 77", PIN 8617-10-7527.

- Elizabeth Teague, Development Services Director

Motion: To adopt a resolution to direct the Clerk to certify the application for annexation and to schedule a public hearing.

5. Call for a public hearing to consider a text amendment to the Land Development Standards Sections 13.5.2, 13.5.3, 13.5.4.

- Byron Hickox, Land Use Administrator

Motion: to call for a public hearing on Tuesday, October 27, 2020 to consider text amendments to the Land Development Standards Sections 13.5.2, 13.5.3, 13.5.4.

6. Call for a public hearing to consider a text amendment to the Land Development Standards Section 2.5.3 – Table of Permitted Uses and Section 17.3 – Definitions, Use Type.
- Byron Hickox, Land Use Administrator

Motion: To call for a public hearing on Tuesday, October 27, 2020 to consider a text amendment to the Land Development Standards Section 2.5.3 – Table of Permitted Uses and Section 17.3 – Definitions, Use Type.

7. Call for a public hearing on to consider a text amendment to the land Development Standards Section 4.3.4(F) – Encroachments, Handicapped Ramps.
- Byron Hickox, Land Use Administrator

Motion: To call for a public hearing on Tuesday, October 27, 2020 to consider a text amendment to the Land Development Standards Section 4.3.4(F) – Encroachments, Handicapped Ramps.

8. Call for a hearing to appeal an administrative decision
- Jesse Fowler, Planner

Motion: To hear the appeal of an administrative decision at the regular scheduled board of Aldermen meeting on October 27, 2020.

E. PUBLIC HEARING

9. Public Hearing to consider a Community Development Block Grant (CDBG) application for utility infrastructure improvements in Hazelwood
- Karen Kiehna, McGill and Associates

Motion: To approve the Community Development Block Grant application for sewer line improvements as presented.

F. NEW BUSINESS

10. Clarification on the naming of the park located as 10 Calvary Street.
- Jesse Fowler, Planner

Motion: To name the park located at 10 Calvary Street as “Obama/King Park”.

G. COMMUNICATIONS FROM STAFF

11. Manager's Report

- Manager Rob Hites
Receive a report on the Town's negotiation of a "Special Order of Consent" (SOC).
(Draft SOC Attached)

Motion: to approve the terms set out in the agreement.

Receive a report on the WWTP Engineering Report and funding.

Motion: To accept the report as information. Due to length of report (175 pages) please click on <https://file.ac/T192f503fy81>.

12. Town Attorney Report

- Town Attorney Bill Cannon

H. COMMUNICATIONS FROM THE MAYOR AND BOARD

I. CLOSED SESSION

Enter into Closed Session to consult with Attorney to preserve Attorney Client privilege, and to discuss matters relating to the location or expansion of industries or other businesses G. S. §143-318.11(a)(3)(4)

I. ADJOURN



TOWN OF WAYNESVILLE

PO Box 100
 16 South Main Street
 Waynesville, NC 28786
 Phone (828) 452-2491 • Fax (828) 456-2000
www.waynesvillenc.gov

CALENDAR October 2020

2020	
Tuesday October 13	Board of Aldermen Meeting – Regular Session
Saturday October 17	Apple Festival – Main Street
Tuesday October 27	Board of Aldermen Meeting – Regular Session
Thursday October 31	First UMC Trunk or Treat
Tuesday November 10	Board of Aldermen Meeting – Regular Session
Wednesday November 11	Town Offices Closed – Veterans Day
Tuesday November 24	Board of Alderman Meeting- Regular Session
November 26 & 27th	Town Offices Closed – Thanksgiving Holidays
Tuesday December 8	Board of Aldermen Meeting – Regular Session
December 24, 25 & 28th	Town Closed – Christmas Holidays
Saturday June 5, 2021	Oasis Shriners Spring Celebration Parade

ABC Board	ABC Office – 52 Dayco Drive	October 20th 3 rd Tuesdays 10:00 AM
Board of Adjustment	Town Hall – 9 S. Main Street	October 6th 1 st Tuesdays 5:30 PM
Downtown Waynesville Association	UCB Board Room – 165 North Main	October 22nd 4 th Thursdays 12 Noon
Firefighters Relief Fund Board	Fire Station 1 – 1022 N. Main Street	Meets as needed; <i>No meeting currently scheduled</i>
Historic Preservation Commission	Town Hall – 9 S. Main Street	October 7th 1 st Wednesdays 2:00 PM
Planning Board	Town Hall – 9 S. Main Street	October 19th 3 rd Mondays 5:30 PM
Public Art Commission	Town Hall – 9 S. Main Street	October 8th 2 nd Thursdays 4:00 PM
Recreation & Parks Advisory Commission	Rec Center Office – 550 Vance Street	October 21st 3 rd Wednesdays 5:30 PM
Waynesville Housing Authority	Waynesville Towers – 65 Church Street	October 13th 2 nd Tuesday 3:30 PM

BOARD/STAFF SCHEDULE

MINUTES OF THE TOWN OF WAYNESVILL BOARD OF ALDERMAN
Regular meeting
September 8, 2020

THE WAYNESVILLE BOARD OF ALDERMAN held a regular meeting on Tuesday, September 8, 2020 at 6:30 p.m. in the Town Hall Board Room, located at 9 South Main Street, Waynesville, NC.

A. CALL TO ORDER

Mayor Gary Caldwell called the meeting to order at 6:30 pm with following members present.

Mayor Gary Caldwell
Mayor Pro Tem Julia Freeman
Alderman Anthony Sutton
Alderman Jon Feichter
Alderman Chuck Dickson

The following Staff members were present:

Rob Hites, Town Manager
Esther Coulter, Administrative Assistant
Jesse Fowler, Town Planner
Elizabeth Teague, Development Services Director
Rhett Langston, Parks and Recreation Director
William Cannon, Jr., Town Attorney
Police Chief David Adams

The following media representatives were Present:

Becky Johnson, The Mountaineer

1. Welcome/Calendar Announcements

Mayor Gary Caldwell Called the meeting to order at 6:33. He welcomed everyone and thanked them for coming.

2. Adoption of Minutes

A motion was made by Alderman Anthony Sutton, Seconded by Alderman Julia Freeman, to approve the minutes of the August 25th, 2020 regular meeting as presented. The motion carried unanimously.

B. PROCLAMATIONS

3. National Day of Remembrance and Service

- Mayor Gary Caldwell

Mayor Gary Caldwell read the Town of Waynesville Proclamation to make Friday September 11, 2020 National Day of Service and Remembrance.

4. Constitution Week

- Mayor Gary Caldwell

Mayor Gary Caldwell read the Proclamation for Constitution Week September 17-23, 2020. This week will mark two hundred thirty-third anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention.

C. PUBLIC COMMENT

Town Attorney William E Cannon, Jr. opened the public Comment period.

Ed King
190 Depot St
Waynesville, NC. 28786

Mr. King stated that he was going to read a statement from Diana Gordon. He proceeded to read that she not only wanted police cameras but also police present in the apartment complex. Mr. King read that people come in her apartment at night and leave before time to get up. It all started in Leicester, four in a half years ago. He read that she thought if she moved it would stop. The same category of people doing this is the local people's family members between 19-25 that lived here before the Civil War. They are destroying everything she owns.

Diana Gordon
P.O. Box 474
Clyde, NC. 28721

Ms. Gordon finished reading where Mr. King left off. The names and address of these people are on file with the Leicester and Waynesville police department along with Haywood Sherriff office. She stated that she was not going to stop protesting in front of this police station until this is rectified with police intervention. By protesting she hopes it will help other people with similar problems.

Patsy Plemmons
P.O. Box 21
Waynesville, NC. 28786

Ms. Patsy Plemmons thanked the Board of Aldermen for allowing her to speak. Ms. Plemmons wants to speak about what happen with the comprehensive plan concept with the Waynesville Plaza. The Mountaineer ran an article in the paper that stated Mrs. Teague had talked with all the property owners and Ms. Plemmons stated that she had not talked to anyone about the project to demolish her building. Mrs. Teague told her that they updated the plans, but they are still wrong. Mrs. Teague said the project wouldn't have changed if she had not come forward. Ms. Plemmons told the board that her family has owned the property for 72 years. Ms. Plemmons said she had some questions and she will leave her contact information so someone could answer her questions.

Why were we not contacted? Why have we been left out of the process entirely. Why is their building been removed from the map? She thanked everyone again.

Phillip Gibbs
59 Babb St.
Waynesville, NC. 28786

Mr. Phillip Gibbs came to thank the Mayor and Town Manager and the board for the Calvary Park located at 10 Calvary Street. The community is very appreciative with what you have done with Calvary Park. The community would like to ask the board if they can re-name Calvary Park to O.K. Park in honor of former President Obama and Martin Luther King. The name would be O.K. Park short for Obama King Park. These are two men that the community looks up to and would like to honor them in this way.

Town Attorney William E. Cannon, Jr. closed the Public Comment period

D. CALL FOR PUBLIC HEARING

- Elizabeth Teague, Development Services Director
5. Call for a public Hearing to be held on to consider a request for Annexation for property know as 289 Maple Grove Church Road, PIN 8616-48-1684 and Resolution to direct Town Clerk to investigate the sufficiency of the Petition.

Mrs. Teague asked to call for a Public Hearing to be held to consider a request for Annexation for property known as 289 Maple Grove Church Road, PIN 8616-48-1684 and Resolution to direct Town Clerk to investigate the sufficiency of the Petition.

Mrs. Teague said the property is the future site of Shining Rock Academy which received a Special Use Permit from the Planning Board on June 29, 2020, and only that portion of the property as described in the attached metes and bounds and recorded plat are to be annexed. It is within the Town's Extraterritorial Jurisdiction and lies within the Dellwood-Medium Density Residential District and the Dellwood Medium Density Mixed-Use Overlay. This property is contiguous on two sides to two other properties which are also satellite annexation areas (across Jules Nolan Drive and across Russ Avenue).

Alderman Julia Freeman made a motion, seconded by Alderman Chuck Dickson to adopt the annexation resolution for the Town Clerk to investigate the sufficiency of the petition and call for a public hearing on Tuesday, September 22, 2020 beginning at 6:30 pm, in order to consider the Petition. The motion carried unanimously.

6. Call for a public hearing to consider a Community Development Block Grant (CDBG) application for utility infrastructure improvements in Hazelwood.
 - Elizabeth Teague, Development Services Director

Mrs. Teague asked to call for a Public Hearing to consider a Community Development Block Grant (CDBG) application for utility infrastructure improvements in Hazelwood.

Mrs. Teague said as part of their work for the Town, McGill and Associates identified a potential CDBG grant opportunity to improve sewer infrastructure within two census tracts located in Hazelwood. The areas targeted would be the Hyatt and Robinson Street neighborhoods. To apply for this grant by the deadlines, the Town will need to hold a public hearing at the Board of Aldermen Meeting on September 22, 2020. At that time, Karen Kiehna of McGill can present information on the project and answer questions from the Board and public. If the Board agrees McGill, would contact property owners and put together the application which is due November 23, 2020.

Alderman Anthony Sutton made a motion, seconded by Alderman Jon Feichter to call for a public hearing on a potential CDBG Grant Application for sewer line improvements to be held September 22, 2020. The motion carried unanimously.

Mayor Gary Caldwell asked with the boards support to request for the Development services Staff to study the Town's schedule of uses to determine if the board may restrict the number of congregate care facilities such as half-way houses and shelters within a geographical area. I also request that they determine if such facilities may be prohibited from residential and institutional Zones.

Mrs. Teague responded yes.

E. Public Hearing

Town Attorney William E Cannon, Jr. opened the public hearing.

7. Public Hearing on the Greenway bridge and extension project in preparation for submittal to the NC Recreational Trails Program.
 - Developments Services Director, Elizabeth Teague.

Elizabeth Teague, Development Services Director explained that the Town has received donations from Ms. Medford and other citizens and business contributed funding to the Town of Waynesville for the development of the Greenway Bridge and trail over Richland Creek near Recreation Park to the property that the Town purchased in 2017. Mrs. Teague showed on the overhead map the area where the bridge will be and the trail that would be built around the K-9 training area. Mrs. Teague also mention that Echo Environmental is about to start a study for the greenway from the Recreation Park to Lake Junaluska.

Alderman Jon Feichter asked in the long term the greenway to Lake Junaluska how long would it take to finish the Greenway. Mrs. Teague said it depended on funding and explained how grants work to get the money for the Greenway. Mr. Feichter asked if people asked him an estimated time frame would 5 years sound like a good answer. Mrs. Teague said she would hope.

Town Attorney Mr. Cannon asked if there were any questions for Mrs. Teague and there were none. The Town Attorney Mr. Cannon then Closed the public Hearing.

Alderman Jon Feichter made a motion, seconded by Alderman Chuck Dickson to approve the Resolution in support of the greenway Project and grant application. The motion passed unanimously.

Town Attorney William E Cannon, Jr. opened the public hearing

8. Presentation and Public Hearing on the Town of Waynesville Comprehensive Plan, Waynesville 2035 Planning with purpose.
 - Town Planner, Jesse Fowler

Mrs. Teague mentioned the board heard a presentation from consultant Jake Petrosky of Stewart Inc. on the draft update to the Town's Comprehensive Plan. The Town Planner, Jesse Fowler spoke and explained that there was an amendment of the Waynesville Plaza that was an idea that illustrates what a mixed-use development could look like. In order to demonstrate that in the plan which focuses heavily on mixed-use cluster development areas, they picked 3 heavily traffic places in Waynesville to screen shot and say this is how your business could be representative. Mr. Fowler handed two maps to the board one was the present Waynesville Plaza and second was the concept from the study what it could look like and what the updated concept with putting Ms. Plemmons building back on map the way it presently sits. Mr. Fowler again apologized to Patsy Plemmons for the mistake of leaving her out. Mrs. Teague showed Ms. Plemmons property and the owners that were involved and why they chose this area for the study. Mr. Feichter made the comment that this concept was just an example for the Comprehensive Plan. Mr. Fowler and Mrs. Teague agreed.

Alderman Chuck Dickson wanted to compliment all the staff and Planning board and advisory committees that worked on the plan over the last 2 years. He stated it was an excellent plan that we want Waynesville to look like or be like. He said it's not just zoning, it was a real concept of our town, it talks about living wage, affordable housing. He would recommend it for reading to let people know what the vision would be for the Town of Waynesville.

Mr. Feichter agreed with Mr. Dickson. He had a question about the challenges that could arise with the plan and if staff had thought about how they were going to handle them. Mrs. Teague responded that the 2002 plan taught staff that you're never going to know every eventuality that comes at you. What we do have in 20 years of experience is knowing what's on the ground is working or not working. In the very back of the Comprehensive Plan are the action items that need to be re- looked at. One item is the parking in major shopping center and commercial areas with parking in the rear and side. It doesn't make sense in every case. So, they seen some strange architectural designs with the response with that requirement.

Town Attorney Mr. Cannon asked if there was anyone wanting to speak for or against the Comprehensive Plan?

Patsy Plemmons
P.O. Box 21
Waynesville, NC. 28786

Patsy Plemmons returned to the podium for comment she stated that when maps are printed in the paper it starts to affect your business and there are 4 businesses in her buildings. She asked for staff to please communicate with them. She stated that she was really hurt.

Town Attorney Bill E Cannon, Jr. closed the public hearing.

Alderman Anthony Sutton made a motion, seconded by Chuck Dickson to adopt the comprehensive Plan, Waynesville 2035: Planning with purpose. The motion passed unanimously.

F. OLD BUSINESS

9. Draft Traffic Calming Policy
 - Manager Rob Hites

Town Manager Rob Hites said he took the feedback he received from the board and adapted a draft from Chapel Hill's Policy for our needs. Before it is approved, we want to set a Public hearing to receive input from the citizens.

Mr. Hites read the draft policy traffic calming measures are applicable in residential neighborhoods where speeding vehicles and/or cut-through traffic are the primary concerns, and traditional police enforcement is found to be unfeasible and/or ineffective. Streets must typically be residential in nature for consideration under this policy. The policy is intended to promote traffic calming measures that are appropriately implemented, coordinated with the Town's key departments including Police, Fire, and Public Works, and are supported by the community. In addition to citizen requests, traffic calming projects can also be identified by Town staff, Town advisory boards, and/or the Board of Aldermen.

1. Mr. Hites said this would be done by citizens requesting traffic calming improvements will fill out a Request for Traffic Calming Measures form available in the Town Public Works Department and on the Town web site.

2. Mr. Hites said upon receipt of a properly completed Request form, the Town's Technical Review Committee will review the request to make sure that the requested streets for traffic calming measures does not reduce response time for emergency service providers. The Town Engineer will determine an applicable "service area" surrounding the requested traffic calming site(s) and will provide the requesting citizen with a Petition form to be signed by interested property *owners* within the designated service area. The size and extent of the service area will take into consideration the type of traffic calming project being proposed, the layout and type of properties in the vicinity, and the characteristics of the street network surrounding the proposed project site(s). Depending on the circumstances, the service area may include:

All properties abutting the proposed street segment to be modified.

- All properties on adjacent street(s) with ingress/egress only possible via the modified street segment.

- All properties on adjacent street(s) that have alternative points of ingress/egress but will be otherwise affected by the modified street segment.

The Technical Review Committee shall hear appeals regarding service area boundaries established by Town engineer and will provide recommendations regarding alterations of the boundaries for consideration by the Manager.

3. The Public Works Department will prepare a petition form including the following items:

1. A map showing the service area
2. A listing of property owners in the service area
3. A preliminary traffic calming plan showing probable device and their locations

The requesting citizen will obtain signatures on the Petition form. A valid Petition for traffic calming measures must be signed by 70% of the property owners within the service area surrounding the requested traffic calming site(s).

4. The requesting citizen will return the Petition form, with original signatures, to the
5. Director of Public Works located at 1600 Legion Drive Waynesville, N.C. 28786.

Email signed petitions from the property owners are also allowed in lieu of original signatures. The email petition must indicate the full name(s) of property owners. Email signed petitions must be returned to the email address jstines@wayensvillenc.gov. The Town staff will confirm that the Petition signatures concur with land ownership records. Once a Petition is determined to be valid, the Public Works Department will notify the requesting citizen of the petition status.

6. Upon receipt of a valid Petition (as described in Step #3 above), the Public Works Department will gather project site data including traffic volumes, speeds, and accident history. A proposed project plan will be developed using the following procedure:
 - Assess problems and needs
 - Identify goals and objectives
 - Identify evaluation criteria
 - Evaluate alternatives
 - Select a proposed plan

The development of a traffic calming plan will include review and evaluation by the Town Technical Review Committee, based on Best Management Practices of the Traffic Engineering profession. (APPENDIX A), and evaluation of the types and design criteria of traffic calming measures applicable to site (APPENDIX B).

The Public Works Department will prepare a cost estimate for the proposed traffic calming project and associated improvements.

7. Traffic calming projects will be prioritized in accordance with the ranking system outlined in APPENDIX C and will be presented to the Board of Aldermen consideration. The Board will review the proposed projects, including the associated traffic data compiled for each

project. Based on its review, the Board will determine the device that is best for the design and traffic volume of the street.

8. The Finance and Public Works Director shall include a cost estimate of each device approved by the Board and shall include those costs as part of the Town's annual street improvement program. Should the Town have unspent funds in the street paving account and have paving work scheduled apart from the annual paving process they may request that the Board approve funding for calming devices that have been approved on a first come first serve basis.

9. Once project funding is approved by the Board of Aldermen, the Public Works Department will prepare construction plans and specifications and an updated cost estimate.

10. When the final design of the traffic calming devices is complete, the Public Works Department will schedule a neighborhood meeting to discuss the plans, estimated costs, and construction procedures/schedule. Each property owner in the service area of the project will be notified when and where the meeting is scheduled.

11. The project will be constructed by Town forces or by private contractor.

12. Town staff will monitor the performance of completed traffic management projects and will report to the Board of Aldermen regarding the operation and effectiveness of the traffic calming measures within 12-18 months following installation. This follow-up report could result in Board of Aldermen action to revise or remove a previously approved traffic management measure.

13. Citizen requests for removal of traffic calming devices will be required to go through the same petition process described previously for installation request.

Alderman Anthony Sutton made a motion, seconded by Jon Feichter to Receive the Policy for information comment on its contents and set a Public hearing on September 22, to receive public input. The motion passed unanimously.

G. COMMUNICATIONS FROM STAFF

10. Manager's Report

- Manager Rob Hites

Town Manager Mr. Hites said regarding the sewer report report they have successfully negotiated a special order of consent. We are waiting for them to show in writing what they agreed to and will have that at the October meeting. Also, the engineering report that makes the request for the 19 million with the 30 year annexation we have reduced their comments down to two mild continual that are tables that nobody else would read but engineers and they don't line up like they would like. So, they have moved from policy basis to textual which will put us in the next category to get it approved.

Application for Special Events Permit- Apple Festival

The board called CeCe Hipps to discuss the Application for Special Event. The Events date is October 17, 2020. The Fall Apple Harvest was intended to be canceled. But a board member Mr.

Coleman got pictures of an event in Blowing Rock and shared them with the other board members. The Merchants and Artist in our community reached out to CeCe for assistants with business. So, that is what motivated them to go further with the harvest. They downsized the event by limiting vendors to 96. All vendors will be 12 feet apart in the parking area and the customers will zig-zag in the same direction. They eliminated certain events like clogging, large bands, kids' events, food from outside county, beer gardens. Signs will be up to encourage mask wearing or required wearing.

Alderman Anthony Sutton read a letter of recommendation to proceed with the event and proceed with caution to keep our community and our visitors safe.

Some board members suggested that mask be mandatory and CeCe reassured members that the signs will say required mask. To protect our community.

Alderman Anthony Sutton made a motion, seconded by Jon Feichter to Approve the Application for the Apple Festival Special Event. The motion passed unanimously.

11. Town Attorney Report

- Town Attorney Bill Cannon

Mr. Cannon mention that as of September 28 at the hearing. They should be able to proceed with the sale of Hazel Street. They will be able to notify all party's involved.

H. COMMUNICATIONS FROM THE MAYOR AND BOARD

Alderman Jon Feichter said that the taskforce on the homelessness has formed 5 work groups to proceed and suggest that one Alderman be in one work group. He stated he would get with each Alderman to determine which work group.

Alderman Chuck Dickson requested the finance department to give a report. Alderman Anthony Sutton said he was at the County Commissioners meeting and they reported county sales tax broke the record for June and almost exceeded what was declined in April.

I. ADJOURN

Alderman Jon Feichter made a motion, seconded by Anthony Sutton to adjourn the meeting. The motion passed unanimously.

ATTEST:

Gary Caldwell, Mayor

Esther Coulter , Administrative Assistant

Robert W. Hites, Jr. Town Manager

MINUTES OF THE TOWN OF WAYNESVILLE BOARD OF ALDERMEN
Regular Meeting
Sept 22, 2020

THE WAYNESVILLE BOARD OF ALDERMEN held a regular meeting on Tuesday, September 22nd, 2020 at 6:30 p.m. in the Town Hall Board Room, located at 9 South Main Street, Waynesville, NC.

A. CALL TO ORDER

Mayor Gary Caldwell called the meeting to order at 6:30 pm with the following members present:

Mayor Gary Caldwell
Mayor Pro Tem Julia Freeman
Alderman Anthony Sutton
Alderman Jon Feichter
Alderman Chuck Dickson

The following staff members were present:

Rob Hites, Town Manager
Eddie Ward, Town Clerk
Town Attorney William E Cannon, Jr.
Dean Trader, Interim Finance Director
Autumn Lyvers, Finance Director
Police Chief David Adams
Jeff Stines, Public Works Director
Byron Hickox, Land Use Administrator
Chris Mehaffey, Assistant Fire Chief
Public Service Employees

The following media representatives were present:

Becky Johnson, The Mountaineer

1. Welcome/Calendar/Announcements

Mayor Gary Caldwell welcomed everyone and reminded everyone about the DWA Annual Board Meeting that will be held on Tuesday September 29th 5:30, and the Fall for Waynesville Day sponsored by the Downtown Waynesville Association on Saturday October 10, 2020.

2. Adoption of Minutes

The minutes of the September 8th, 2020 regular meeting along with the minutes of the September 22, regular meeting will be approved at the October 13, 2020 meeting.

B. PRESENTATION

3. Big Brothers Big Sisters of Haywood County “Bowling for Kids Sake”
 - Dave Gildersleeve

Mr. Dave Gildersleeve stated that this is the third year in a row that he has presented the Town with the Bowling for Kids Sake award. He said that Big Brothers, Big Sisters of Haywood County only had one fundraiser each year, and the Town always was represented by a winning team. He thanked the Board and representatives of the team for their participation.

4. NC 811 Safe Digging Partner Award
 - Jeff Stines, Public Services Director

Jeff Stines, Public Services Director explained to the Board that the Town of Waynesville has been recognized by NC 811 for the Safe Digging Partners Award. This prestigious award has only been presented a small number of times since the introduction of NC 811 in 1978. This exemplifies the amazing work done by our staff at Public Services in accordance with NC 811 regulations and guidelines.

Mr. Stines introduced Mr. Brian Moorehouse, Western Region Education Liaison for NC811, and asked him to present the award. Mr. Moorehouse said this was a great award to receive, and this was only the 22nd award that has been given in Western North Carolina since May 2015. The award takes in consideration corporations and facility owners to encourage them to call before you dig. Mr. Moorehouse thanked Mr. Stines, and all the employees of Public Services for their continuing efforts to remain safe.

Mayor Caldwell inquired about the stickers that can be placed on vehicles for NC811. Mr. Moorehouse encouraged the Town to purchase the stickers.

A motion was made by Alderman Anthony Sutton, seconded by Alderman Jon Feichter, to accept the NC811 Safe Digging Partner Award. The motion carried unanimously.

C. PROCLAMATION

5. National Fallen Firefighter Day of Remembrance – First Sunday in October
 - Chris Mehaffey, Assistant Fire Chief

Assistant Fire Chief Chris Mehaffey gave a brief history of the National Fallen Firefighter Day of Remembrance, and how the Waynesville Fire Department supports this Day of Remembrance. He said that in prior years the Proclamation had a specific date assigned to it. He asked the Board to designate the first Sunday in October each year as a day of remembrance of fallen firefighters, rather than coming back every year and asking for the specific date. This is generally the day the National Fallen Firefighter Foundation has their proclamation. It also serves as the kick-off of fire prevention month.

D. PUBLIC COMMENT

Town Attorney William E. Cannon, Jr. opened the Public Comment period.

Diana Gordon
No address given

Ms. Gordon read a statement she had prepared concerning her complaints to the Police Department.

Bo Prevost
28 Lodge Lane
Waynesville, NC 28786

Ms. Prevost thanked the Board for their efforts to slow speeding across the Town. She gave examples of measures that had been taken in Asheville to slow speeders on their streets. Ms. Prevost had a question concerning the 70 percent of property owner's signatures for the devices to be in place. She asked if a signature from a Board member of a Homeowners Association suffice or would each property owner need to sign. She also asked if any other Towns had been consulted concerning their policies and suggested that Boone North Carolina serve as a reference.

William Everett
718 Brown Avenue
Waynesville, NC 28786

Mr. Everett said he wanted to address the issue of traffic noise as well as the traffic calming devices. He said that the noise from the speeding vehicles affects everyone's health, as well as hampering the enjoyment of resident's outdoor spaces. Not only do vehicles make loud noises when speeding, but vehicles that cruise the area with woofer speakers interrupt everyday activities. He said that this noise violates the regulations that have been set forth in the Code of Ordinances and asked that noise also be considered in the Traffic Calming Policy.

Wes Taylor
1287 Brown Avenue
Waynesville, NC 28786

Mr. Taylor thanked the Board for acknowledging the issues that are faced in the Town. He expressed his concerns about commercial traffic on Brown Avenue related to Giles and Southern Concrete. He said their trucks are much larger than what the road can handle, and they are traveling all hours of the day and night. They are a threat to foot traffic and pedestrians in a residential area. He addressed the noise pollution that accompanies these trucks. He said this might be the most direct route for these trucks, but it is not the most appropriate route for them.

Mr. Taylor stated another problem on Brown Avenue is the vehicles that cruise the area several times a day. He expressed concerns about the intentions of these cruisers and why they make so many trips by his house in a day. He said all residents should feel safe in their neighborhoods.

E. CALL FOR PUBLIC HEARING

6. Call for a Public Hearing to consider a request for Annexation for property known as 67 Rolling Green Drive, PIN 8616-46-4669.
 - Byron Hickox, Land Use Administrator

Byron Hickox, Land Use Administrator explained to the Board that the Town had received a “Petition for Annexation of Non-Contiguous ‘Satellite’ Areas,” from property owner Mathew Blackburn. He is requesting this annexation because of a failed septic tank, and he would like to connect to the Town’s septic system This property is within the Town’s Extraterritorial Jurisdiction and lies within the Dellwood-Medium Density Residential District. It is listed as 67 Rolling Green Drive, Waynesville, NC. PIN 8616-46-4669.

A motion was made by Alderman Jon Feichter, seconded by Anthony Sutton, to call for a public hearing on Tuesday, October 13, 2020 beginning at 6:30 p.m. or as closely thereafter as possible in the Town Hall Board Room located at 9 South Main Street, Waynesville. The purpose of the meeting is to consider a request for Annexation for property known as 67 Rolling Green Drive, PIN 8616-46-4669

F. PUBLIC HEARING

7. Public Hearing for Traffic Calming Policy
 - Rob Hites, Town Manager

Manager Hites said he had reviewed the policies of Monroe, Matthews, Asheville, High Point, and Chapel Hill North Carolina to use as guides, and he used the Chapel Hill policy because he felt it is the most streamlined policy. The policy says that any person or group can approach the Town and request a study of a particular street for any number of traffic problems, not just speeding.

He said the procedure would involve a request signed by property owners, and then studied by the Town Engineer to determine if any side street depend on that street as a collector street. At that point, staff will determine who the property owners are, and petition the owners of the properties to see how many want the traffic calming device. Seventy percent of the property owners along that street is required. A study will be conducted for speed, and if 85 percentile is six miles above the speed limit, then it will be determined what traffic calming devices might work best. He said they would look for the device that caused the least amount of disruption, to gain the most amount of compliance.

Manager Hites said that once devices are approved, they would be installed the next time the streets are paved because the Town does not have the equipment to install them inhouse. The estimated cost

of the devices range from \$22,000.00 - \$23,000.00 a pair. Removal of the traffic calming devices require 70 percent of the property owners' signature.

Attorney William Cannon opened the Public Hearing at 7:03 pm. and asked if anyone wished to speak.

**Carol Brennon
285 Assembly Street
Waynesville, NC 28786**

Ms. Brennon asked how to get a petition request for the Traffic Calming devices, and if all the property owners need to sign the request.

Manager Hites stated she would be able to obtain a request in Development Services, Public Services, Police Department and in the Municipal Building. He added that 70 percent of the property owners must sign the petition.

**William Everett
718 Brown Avenue
Waynesville, NC 28786**

Mr. Everett asked if various ways to announce speed would be placed on the streets where the calming devices are located.

Manager Hites stated that there could be different ways to inform drivers of the devices including a solar flashing sign that would state what the vehicles speed is.

**Bo Prevost
28 Lodge Lane
Waynesville, NC 28786**

Ms. Prevost asked the difference between speed humps and speed bumps, and the cross walk on Wall Street.

Manager Hites described the dimensions of the traffic calming devices, and how each one would affect vehicles.

Attorney Cannon closed the Public Hearing at 7:22 pm.

Alderman Anthony Sutton said that he thought the policy was a good thing and thought the Board should proceed with the implementation.

Alderman Julie Freeman asked if there could be any variation in the 70 % requirement of property owners signature on the request form.

Alderman Chuck Dickson stated that he was in favor of the policy and addressed the question from Ms. Prevost concerning Homeowners Association Board members being able to sign for the group. He said he felt the only way was to require all property owners to sign, not just the Homeowners Association representative.

Alderman Feichter expressed that he would like to see the narrower streets be given extra consideration.

He said he liked that fact that there is a great deal of citizen input on this policy, and there is a monitoring built in to access the effectiveness of the solution. He added that it should be adopted with the requirement that the homeowners and renters sign the petition. Alderman Jon Feichter said he felt that renters should be included in the request process, because they deal with the negative impacts of the speeding and traffic as well as the homeowners.

Attorney Cannon reminded the Board that if renters are included, that would increase the number of people who would have to approve the policy in order to reach the percentage required for approval.

Alderman Chuck Dickson made a motion, seconded by Alderman Anthony Sutton to adopt the Traffic Calming Policy as presented except for the requirement of 70% homeowner signatures be lowered to 65%. The motion carried unanimously.

8. Public Hearing to consider a request for Annexation for property known as 289 Maple Grove Church Road, PIN 8616-48-1684
 - Byron Hickox, Land Use Administrator

Mr. Hickox told the Board that the Town received the attached “Petition for Annexation of Non-Contiguous ‘Satellite’ Areas,” executed by the GRHH Performance Waynesville LLC, and Performance Charter School Waynesville LLC tenants in common who are the current owners. This property is the future site of Shining Rock Academy which received a Special Use Permit from the Planning Board on June 29, 2020, and only that portion of the property as described in the attached metes and bounds and recorded plat are to be annexed. It is within the Town’s Extraterritorial Jurisdiction and lies within the Dellwood-Medium Density Residential District and the Dellwood Medium Density Mixed-Use Overlay. This property is contiguous on two sides to two other properties which are also satellite annexation areas (across Jules Nolan Drive and across Russ Avenue). Town Development Services Staff and the Town clerk have verified that the property meets the standards for annexation. The purpose of the annexation is to receive Town services.

Attorney Cannon opened the Public Hearing at 7:29 pm. And asked if anyone wished to speak.

**Joshua Morgan
1023 Dellwood Road
Waynesville, NC 28786**

Mr. Morgan stated that he is the head of the Shining Rock Academy. He said this is an opportunity to continue to serve students of Haywood County and it is a great privilege to be another part of the Town

of Waynesville. He thanked the Board for the excellent relationship between the school and the Town, and for approving this annexation.

Attorney closed the Public Hearing at 7:35 pm.

Alderman Chuck Dickson asked for clarification on what services would be offered to Shining Rock. Mr. Hickox said that it would be water and sewer.

A motion was made by Alderman Julia Freeman, seconded by Alderman Anthony Sutton, to approve the adoption of Ordinance No. O-16-20 to approve the annexation of property located at 289 Maple Grove Church Road, PIN 8616-48-1684. The motion carried unanimously.

9. Public Hearing to consider a Community Development Block Grant (CDBG) application for utility infrastructure improvements in Hazelwood

Development Service Director asked that this item be tabled until the October 13, 2020 meeting due to the delay of proper notifications from Karen Kiehna at McGill Associates.

F. NEW BUSINESS

10. Board consideration of Declaration of Covenants, Conditions, and Restrictions for the Clean Water Management Trust Fund stream restoration project in Chestnut Park
- Byron Hickox, Land Use Administrator

Mr. Hickox said that in 2016-2018, the Town worked cooperatively with Haywood Waterways Association to design and implement stream restoration along an 1800 linear foot reach of Shingle Cove Branch, a tributary of Richland Creek within the Town property of Chestnut Park. Haywood Waterways utilized funding from the Clean Water Management Trust Fund and the Pigeon River Fund to engineer in-stream structures and stream bank improvements in order to mitigate erosion and create a healthier stream. He explained to the Board that the Declaration of Covenants will restrict future use of the stream restoration area to only those activities that support the conservation of the stream, specifically passive recreational uses, educational uses and restoration activities.

A motion was made by Alderman Chuck Dickson, seconded by Alderman Anthony Sutton, to approve Declaration of Covenants, Conditions, and Restrictions for the Clean Water Management Trust Fund stream restoration project in Chestnut Park. The motion carried unanimously.

11. Amendment to 2020-2021 Budget for the approval of a new truck purchase for the Water Treatment Plant to replace truck damaged by tree fall
- Dean Trader, Assistant Finance Director

Mr. Dean Trader, Assistant Finance Director explained to the Board that this amendment is for the approval of a new truck purchase for the Water Treatment Plant. This will replace a truck damaged by a tree fall, and to approve the additional funds required to replace Water Treatment vehicle #102, a 2014 Ford F-150 4X4, last 5 vin# 10978. The total loss vehicle (ACV) is \$18,300 less deductible of \$500.00. Mr. Trader said there is a Payment to be made of \$17,800.00 from insurance proceeds. This vehicle replacement will require additional funds to be appropriated for the current FY 2020-2021 budget.

Because this is a vehicle that will be used in the Waynesville Watershed, there are accessories that are needed for the truck such as a brush guard, toolbox winch, and radios.

We are asking you to consider the following option for vehicle replacement:

2020 Ford F-150 4X4	\$33,316.20 - \$17,800.00(ACV)	\$15,516.20
Accessories for truck - Brush Guard, Toolbox, Winch etc.		\$ 3,683.80
Fund Balance Appropriated	Total =	\$19,200.00

Manager Hites stated that after looking at the old truck, it has been discovered that the frame of the vehicle has not been bent. He said that the bed can be removed and replaced with a new one, along with the equipment for approximately \$10,000.00. This vehicle then can be used by Public Services Director Jeff Stines instead of the Volt he is currently using.

A motion was made by Alderman Anthony Sutton, seconded by Alderman Julia Freeman, to approve Budget Ordinance No. O-17-20, Amendment #5 to the 2020-2021 Budget Ordinance in the amount of \$19,200.00 for the purchase of a new truck. The motion carried unanimously

12. Sales Tax Revenue

- Dean Trader, Interim Finance Director

Mr. Dean Trader gave a detailed report of the Sales Tax Revenue Comparison for May and June 4th Quarter Totals, and Annual Sales Tax Totals for 2020. He said that for May the sales tax revenue was 3.5973% above budget. Comparing May 2020 to the prior May, there was a 1.1691% increase. There was a significant increase in June Sales Tax Revenue for a total of 10.4996% increase in actual compared to budget. Current June totals showed a 12.6242% increase over last year.

For the quarter, Mr. Trader said that we were up 2 % over budget and compared to last year we were up 4.4365% over last year. He said that compared to the entire state the Town is doing better than the state as a whole.

Mr. Trader reminded the Board that Sales Tax Revenue continues to be an area of concern for the 2020-2021 current year.

Alderman Chuck Dickson asked Mr. Trader to prepare a report of utility collections and present it at the October 13th Board meeting.

G. COMMUNICATIONS FROM STAFF

7. Manager's Report

Manager Hites explained to the Board that Buffy Phillips, Downtown Waynesville Association Director, is asking to amend the Special Events Permit that had previously been approved for the Church Street Festival.

Ms. Phillips said that because of COVID, the Church Street Festival was cancelled. The Fall for Waynesville is similar, and the street will be closed from red light to red light on Main Street. She explained that it is an open-street concept. The restaurants can come out into parking spaces, and merchants will be able to display items from their stores if they wish. Ms. Phillips told the Board that there would not be a stage for musicians, but there will be designated areas of the street for them. Masks and hand sanitizers will be available, and social distancing will be encouraged.

A motion was made by Alderman Julia Freeman, seconded by Alderman Anthony Sutton, to amend the original Special Event Application for the Church Street Festival, and allow the Fall for Waynesville event on October 10, 2020. The motion carried unanimously.

Ms. Phillips asked the Board for their thoughts on the upcoming events pertaining to Treats on the Street for Halloween in October, and events in December including the Waynesville Christmas Parade. There was much discussion concerning the crowds for each event, and if there were other things that could be substituted and still be safe for everyone. The consensus of the Board was to not have the events.

8. Town Attorney Report

Town Attorney William E Cannon, Jr.

Attorney William Cannon had nothing to report.

H. COMMUNICATIONS FROM THE MAYOR AND BOARD

Alderman Chuck Dickson asked that the Town Attorney to draw up a draft Ordinance requiring face masks in the Town of Waynesville and present it at the October 13 Board meeting. He said he felt that having an Ordinance of this type would help Downtown Waynesville Association and the Chamber of Commerce to have the force of the Town behind them when they are asking people to wear masks at the upcoming events.

Alderman Jon Feichter asked that signs be placed in Frog level announcing that the speed bump is ahead.

Alderman Feichter asked that Ms. Wanda Brooks be appointed to the Town of Waynesville Task Force on Homelessness. She would be replacing Mr. Joey Reece who had resigned from the Task Force recently.

A motion was made by Alderman Jon Feichter, seconded by Alderman Chuck Dickson to appoint Ms. Wanda Brooks to the Town of Waynesville Task Force for Homelessness to replace Mr. Joey Reece. The motion carried unanimously.

Mayor Caldwell stated the Mr. Phil Gibbs had contacted him concerning the renaming the Calvary Park. He asked that the park be named the Barack Obama – Martin Luther King Park and for short be named the OK Park.

A motion was made by Alderman Anthony Sutton, seconded by Alderman Jon Feichter, to rename the Calvary Park to the Barack Obama-Martin Luther King, Jr. Park and OK Park for short. The motion carried unanimously.

Mayor Caldwell said that Mr. Brandon Green had requested that the area around Clyde's restaurant needed to have the trash picked up and mowed in the right of ways of the road. Manager Hites said that NCDOT should be the one to take care of the right of ways but their financial situation has prevented them from mowing at exits and trash pickup. He said that he would contact NCDOT and see if they could get someone to do it before the October events.

I. CLOSED SESSION

A motion was made by Alderman Anthony Sutton, seconded by Alderman Jon Feichter, to enter closed session at 8:27 pm to consult with Attorney to preserve Attorney Client privilege, and to discuss matters relating to the location or expansion of industries or other businesses G. S. §143-318.11(a)(3)(4). The motion carried unanimously.

A motion was made by Alderman Chuck Dickson, seconded by Alderman Anthony Sutton, to enter back into open session at 8:47 pm. The motion carried unanimously.

With no further business, a motion was made by Alderman Jon Feichter, seconded by Alderman Anthony Sutton, to adjourn the meeting at 8:48 pm. The motion carried unanimously.

ATTEST:

Gary Caldwell, Mayor

Robert W. Hites, Jr. Town Manager

Eddie Ward, Town Clerk

**TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: October 13, 2020**

SUBJECT: TDA 1% Zip Code Funding Year End Report for 28785/86

AGENDA INFORMATION:

Agenda Location: Presentations
Item Number: B3
Department: Haywood County TDA
Contact: Lynn Collins
Presenter: Lynn Collins

BRIEF SUMMARY:

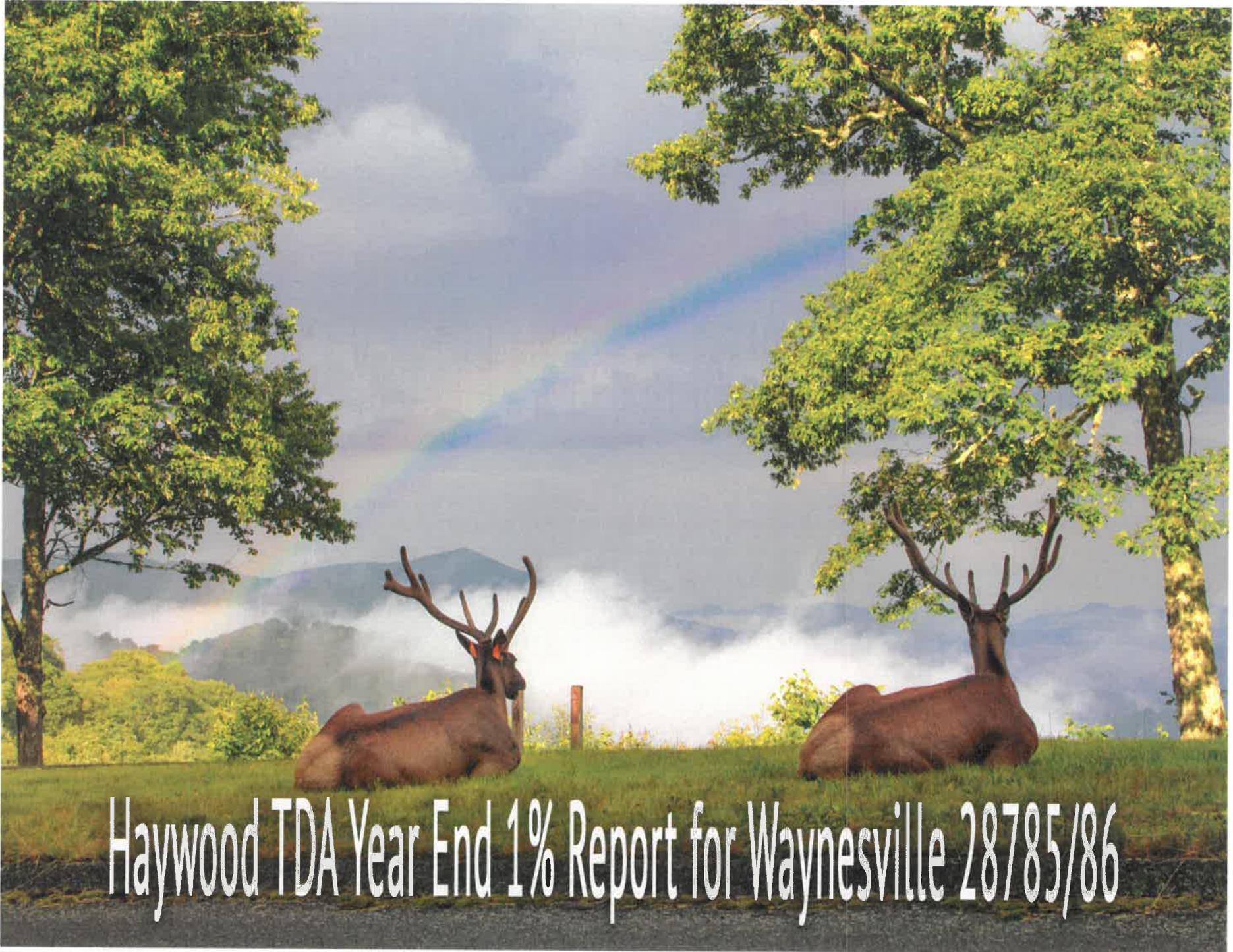
Presentation of the TDA Occupancy Tax collections for the 28785-86 zip code and how the funding has been utilized.

MOTION FOR CONSIDERATION:

FUNDING SOURCE/IMPACT: NA

ATTACHMENTS: Report

MANAGER'S COMMENTS AND RECOMMENDATIONS:



**2019/2020
1% NET OCCUPANCY TAX REPORT**

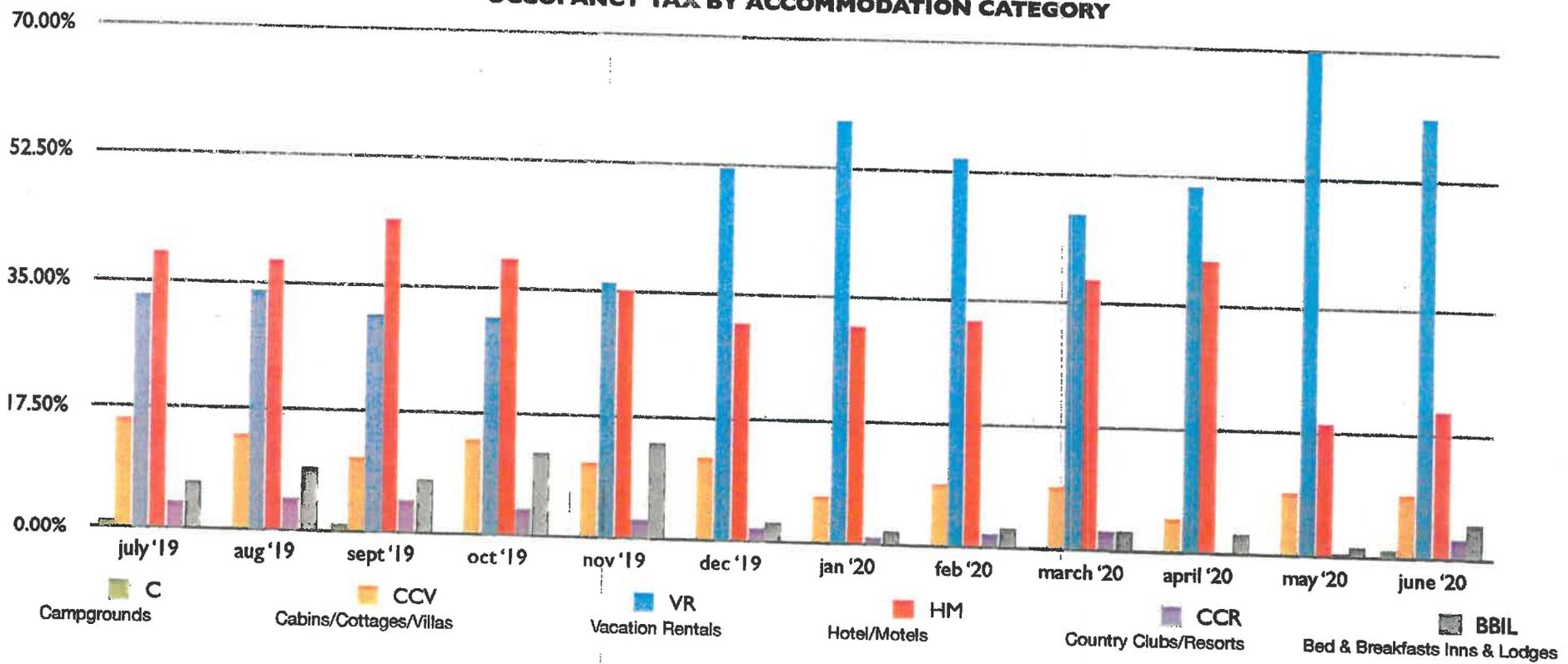
	ACTUAL 28716 CANTON	PROJECTED 28716 CANTON	ACTUAL 28716 CANTON	ACTUAL 28721 CLYDE	PROJECTED 28721 CLYDE	ACTUAL 28721 CLYDE	ACTUAL 28745 LAKE JUNALUSKA	PROJECTED 28745 LAKE JUNALUSKA	ACTUAL 28745 LAKE JUNALUSKA	ACTUAL 28751 MAGGIE VALLEY	PROJECTED 28751 MAGGIE VALLEY	ACTUAL 28751 MAGGIE VALLEY	ACTUAL 28785 & 28786 WAYNESVILLE	PROJECTED 28785 & 28786 WAYNESVILLE	ACTUAL 28785 & 28786 WAYNESVILLE
	18/20	19/20	18/19	19/20	19/20	18/19	19/20	19/20	18/19	19/10	19/20	18/19	19/20	19/20	18/19
July 2019 Received September 2019	\$3,628	\$2,827	\$3,201	\$1,445	\$1,075	\$1,250	\$5,719	\$7,259	\$6,198	\$27,434	\$25,401	\$24,313	\$13,704	\$14,088	\$14,616
August 2019 Received October 2019	\$3,328	\$2,943	\$2,946	\$1,324	\$875	\$1,170	\$5,314	\$5,361	\$4,570	\$20,884	\$18,981	\$20,003	\$13,754	\$13,220	\$12,915
September 2019 Received November 2019	\$3,885	\$3,106	\$5,431	\$1,394	\$932	\$606	\$5,298	\$4,691	\$3,631	\$20,685	\$20,095	\$17,945	\$12,798	\$12,351	\$10,469
October 2019 Received December 2019	\$3,876	\$3,276	\$3,921	\$1,441	\$1,340	\$1,595	\$6,427	\$6,160	\$4,690	\$26,056	\$24,075	\$25,406	\$18,865	\$15,933	\$17,673
November 2019 Received January 2020	\$2,725	\$2,118	\$2,861	\$1,445	\$854	\$1,100	\$3,997	\$3,064	\$2,920	\$16,018	\$10,969	\$13,373	\$13,617	\$9,467	\$10,039
December 2019 Received February 2020	\$1,974	\$1,523	\$1,906	\$1,589	\$958	\$877	\$1,980	\$1,916	\$1,706	\$13,077	\$13,020	\$13,492	\$7,837	\$7,000	\$6,616
January 2020 Received March 2020	\$1,365	\$918	\$1,637	\$1,355	\$966	\$1,313	\$1,865	\$909	\$1,314	\$10,530	\$7,900	\$9,697	\$7,159	\$4,495	\$5,303
February 2020 Received April 2020	\$1,722	\$1,002	\$1,800	\$1,097	\$468	\$895	\$1,734	\$676	\$1,379	\$10,288	\$6,754	\$8,240	\$5,961	\$4,224	\$4,743
March 2020 Received May 2020	\$1,022	\$1,956	\$2,203	\$338	\$786	\$948	\$447	\$1,524	\$3,043	\$4,544	\$8,385	\$8,888	\$2,789	\$5,996	\$5,909
April 2020 Received June 2020	\$442	\$1,753	\$2,451	\$90	\$728	\$670	\$33	\$2,607	\$2,193	\$599	\$9,576	\$11,001	\$719	\$7,483	\$7,890
May 2020 Received July 2020	\$1,656	\$2,501	\$3,010	\$1,369	\$916	\$886	\$602	\$4,667	\$5,010	\$9,435	\$14,288	\$16,682	\$6,639	\$11,207	\$11,692
June 2020 Received August 2020	\$4,377	\$3,087	\$4,408	\$2,699	\$1,010	\$984	\$1,773	\$7,526	\$7,660	\$21,357	\$22,384	\$22,622	\$14,770	\$14,299	\$13,258
YTD	\$30,000	\$27,010	\$35,775	\$15,586	\$10,908	\$12,294	\$35,189	\$46,360	\$44,314	\$180,907	\$181,828	\$191,662	\$118,612	\$119,763	\$121,123
TOTAL of 19/20 1% Projections	\$385,869														
TOTAL 1% COLLECTED in 19/20	\$380,294														
Comparison to Budget YTD	11%			43%			-24%			-1%			-1%		
Comparison to June 2019	-1%			174%			-77%			-6%			11%		
YTD Comparison with FY 18/19	-16%			27%			-21%			-6%			-2%		
% of YTD Collections	8%			4%			9%			48%			31%		

19/20 OCCUPANCY TAX BY CATEGORY

OCCUPANCY TAX JULY 2019 - JUNE 2020

TYPE	JULY '19	AUG '19	SEPT '19	OCT '19	NOV '19	DEC '19	JAN '20	FEB '20	MARCH '20	APRIL '20	MAY '20	JUNE '20
C	1.00%	0.00%	1.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	1.00%
CCV	16.00%	14.00%	11.00%	14.00%	11.00%	12.00%	7.00%	9.00%	9.00%	5.00%	9.00%	9.00%
VR	33.00%	34.00%	31.00%	31.00%	36.00%	52.00%	59.00%	54.00%	47.00%	51.00%	70.00%	61.00%
HM	39.00%	38.00%	44.00%	39.00%	35.00%	31.00%	31.00%	32.00%	38.00%	41.00%	19.00%	21.00%
CCR	4.00%	5.00%	5.00%	4.00%	3.00%	2.00%	1.00%	2.00%	3.00%	0.00%	0.50%	3.00%
BBIL	7.00%	9.00%	8.00%	12.00%	14.00%	3.00%	2.00%	3.00%	3.00%	3.00%	1.50%	5.00%

OCCUPANCY TAX BY ACCOMMODATION CATEGORY

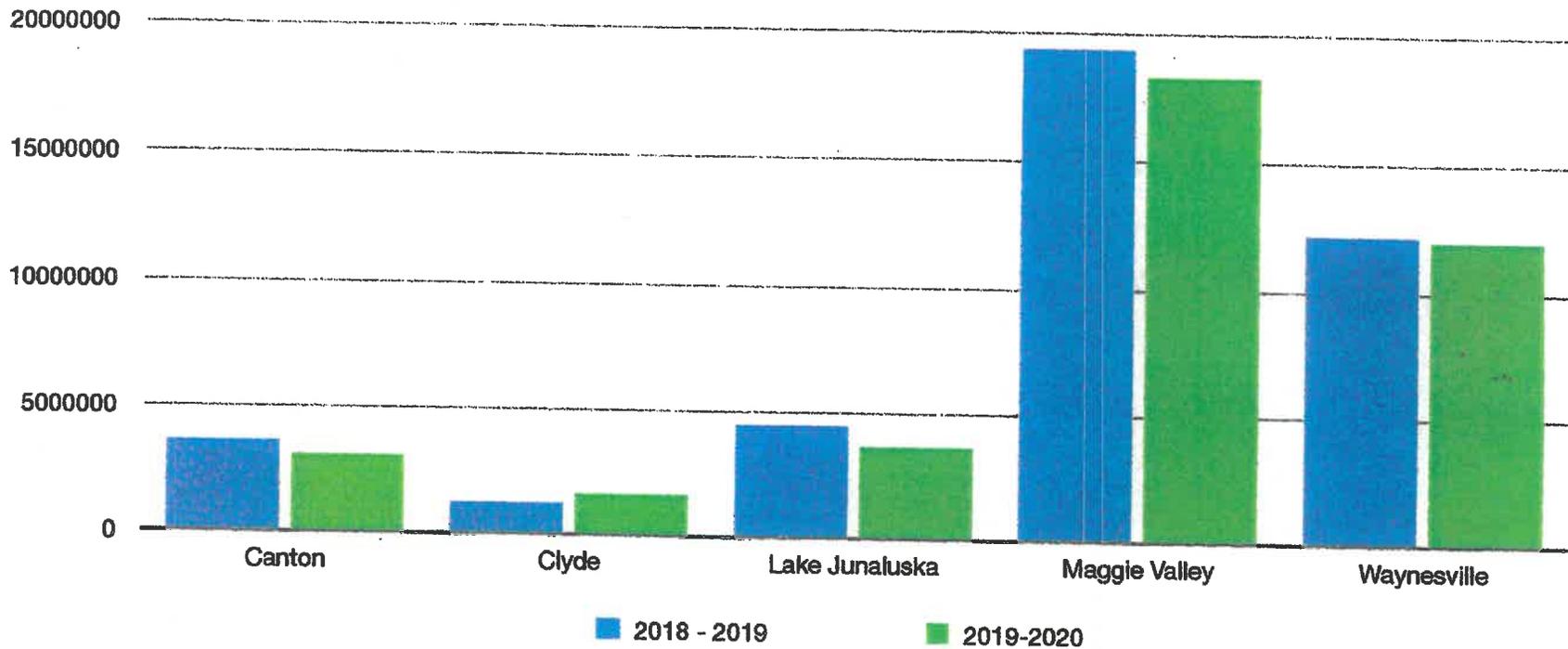


Gross Roomnight Sales

18/19
\$40,864,945

19/20
\$38,497,315

Gross Roomnight Sales by Zip Code



19/20 Projects Funded by TDA 1% Funding for the 28785/86 Waynesville Zip Codes

Haywood Art Studio Tour	\$ 1,500
Waynesville Soda Jerks Mural	\$ 2,000
Waynesville Public Art Trail	\$ 2,000
Holiday Market in Frog Level	\$ 1,000
Antique Extravaganza Festival in Frog Level	\$ 1,000
Smoky Mountain Folk Festival	\$ 2,000
Haywood County Fair	\$ 1,000
2019 Lake Junaluska Independence Day Celebration	\$ 3,000
The Whole Bloomin' Thing	\$ 1,500
Gateway to the Smokies Half Marathon	\$ 500
Appalachian Family Christmas & Tinsel Trail	\$ 1,500
Mountain Street Dance June 2020	\$ 1,075
2020 Lake Junaluska Independence Day	\$ 5,000
A Night Before Christmas	\$ 2,000
HART Winter Season Promotion	\$ 2,500
Fall Décor for Downtown Waynesville	\$ 1,292
Lake Logan Multisport Festival	\$ 1,550
Smoky Mountain 9-Ball Shootout	\$ 2,000
Art After Dark & Winter Arts Smokies Style	\$ 2,000
Co-Op Marketing & Advertising	<u>\$74,050</u>
TOTAL	\$108,467

Waynesville

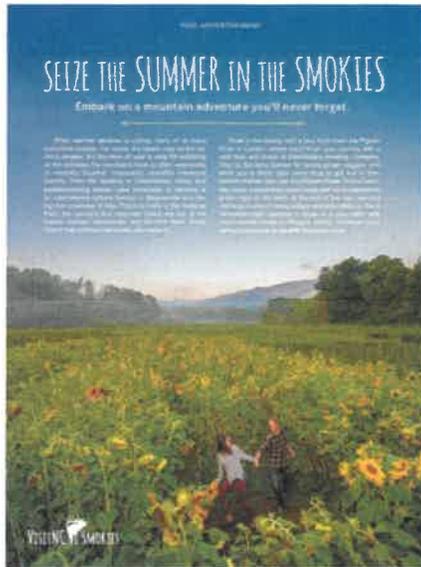
NORTH CAROLINA SMOKIES

FY2019-20 MARKETING OVERVIEW

Print Ads

Our State – April 2020 Spread

This two-page spread in the April issue of *Our State* promoted spring and summer activities in the county, along with a special feature on Waynesville.



Our State – October 2019 Spread

This two-page spread in the October issue of *Our State* highlighted late fall and winter activities in the county, along with a special feature on Waynesville.



Out of Home

Fall 2019 Digital Billboard Campaign

Waynesville was able to leverage both sides of a digital Blip billboard on N. Druid Hills in Atlanta, Georgia for a fall/winter campaign promoting outdoor side of Waynesville and it's vibrant mountain setting. The billboard ran from early November through early January and generated approximately 57,205 impressions with 17,872 blips.

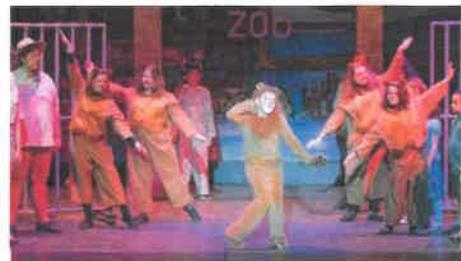


Photography

New to FY 2019-20, we secured funding to support photography and asset gathering efforts. We created a list of key themes to represent different Waynesville experiences and then prioritized the list based on upcoming needs, seasonality, audiences and more. Prior to COVID, we had captured and gathered footage of the following:

- Festivals in Waynesville (Church Street Craft Festival and Apple Harvest Festival)
- Accommodations (A call out was sent to local partners and they are in the process of gathering)
- Theatre (A call out to HART Theatre resulted in several production-based images for select uses)

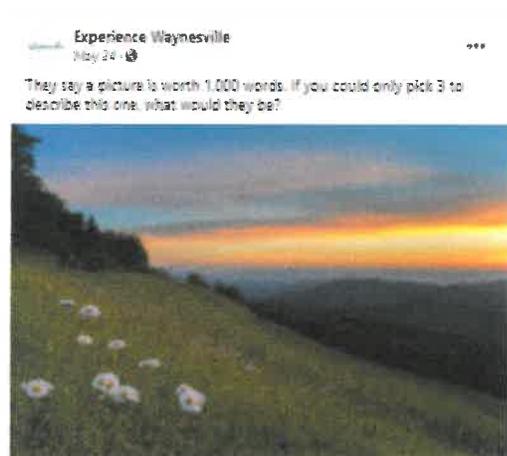
To safeguard funds, asset gathering efforts were suspended in March 2020 as the pandemic hit and shelter in place orders took effect.



Digital Advertising and Content

From July 1, 2019 – early March 2020, we maintained a strong messaging strategy with a consistent stream of engaging organic content, supported by continued paid social advertising and e-newsletter deployments. Featured content included seasonal activities, events, dining options, interesting local facts, and more. We also encouraged stays and linked to unique accommodation offerings Waynesville had for travelers, as well as different types of getaways.

Organic and Paid Social

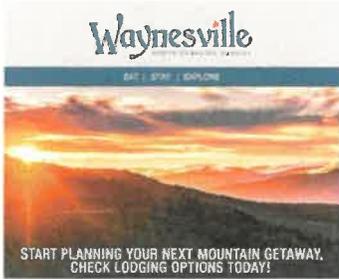


eNewsletters

Waynesville

NORTH CAROLINA SMOKIES

Email deployments were originally scheduled for August 2019 (supporting fall/winter) and March 2020 (supporting spring and summer). As shelter in place orders took effect, the email originally set to deploy in mid-March was placed on hold. Then, as the phases of reopening took effect this summer, we refreshed the email content for seasonality and social distancing appropriate activities. Then, distributed in early July 2020 to support summer travel and Covid recovery.



AS THE SEASONS CHANGE, SO DO THE THINGS THAT MAKE US SPECIAL.

Summer brings long, cool days for enjoying the beautiful views in the Great Smoky Mountains. Fall starts surrounding you in glorious hues of red, yellow and orange. Winter welcomes our renowned arts festivals, just in time for gift shopping. And spring dots the landscape with wildflowers of every hue.

Summer is travel to sunrise again, every season is special in **Waynesville, NC**. From our Appalachian heritage to our **antiques, art & home** settings, a visit here takes you out of the everyday and into the mountain mindset. So kick your feet up. Relax a while. And come home to the heart of the Smokies, season after season.



TAKE ONE LAST SUMMER ROAD TRIP.

With school back in session, the craziness of summer is probably behind you. So plan a trip to Waynesville, not because your family requires it, but because you want to keep your soul. Watch the waterfalls fall, don the butterfly filter. Find a special swimming hole. Hike to a breathtaking vista. And cast your leg into the Mountains Heritage Trout Waters. **That's the perfect place to stay...**



BE HERE FOR AUTUMN'S SPLENDOR.

As the temperatures cool, the views heat up. Watch the new season unfold our mountain town in spectacular hues and celebrate with us during one of our best festivals—the **Family-Friendly and all-ages event Smoky Mountain Festival**. While you're here, be sure to take a drive along the **Blue Ridge Parkway** to see the mountains and valleys all gilded up for autumn. **Discover more things to do...**



VISIT OUR VANTER STOREHOUSE

As one of the premier arts galleries in Western North Carolina, you better believe we do the holidays right. From **holiday gifts and art** to **holiday and art** to live performances at the **Walt Whitman**. **Shopping and shopping for seasonal gifts in locally owned galleries and stores. We have everything you want from winter— including hot chocolate and a fireplace to cozy up in. [Shop our best offers.](#)**

UPCOMING EVENTS

From events downtown to things all across the region, Waynesville is your home base for seasonal fun.



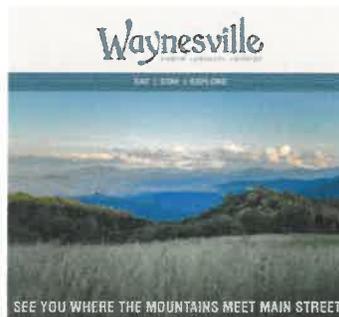
Cherish, Breathe, Act & Craft
Joyce Kilmer
October 15



Annie's Harvest
Annie Dillard
October 16



An Other Dark
Fred Brown
October 16



EXPERIENCE THE BEST OF BOTH WORLDS ON A MOUNTAIN GETAWAY THIS SUMMER.

Nestled in a peaceful valley, surrounded by forest and mountains, you'll find **Waynesville, NC**—an unspoiled charm and quiet mountain getaway. It's a town where an early morning cup of freshly brewed coffee is spent enjoying panoramic views across the Smokies and serene **mountains for morning walks** comes accompanied by breathtaking views of tree-covered peaks, as the light of the sun, where you can see nature run wild and witness all the arts and culture happening in the city. And it's the perfect, big sky escape when you need a bit more. Make plans for your refreshing summer retreat in **Waynesville today!**



WILD ADVENTURE IN THE OUTDOORS.

Waynesville is near the heart of many of the region's most popular areas. A hike to **Chimney Rock** will bring you tons of awe-inspiring and panoramic views. A day hike on **Catawba Gorge** reveals many natural wonders. Or ascend to **Great Smoky Mountains National Park** for a panoramic view you'll never forget. Warm more outdoors time? Stay a night or two at a local **mountain lodge** or **inn**.



CRUISE THE BLUE RIDGE PARKWAY

Take the scenic route to Waynesville with a ride along America's Favorite Drive. A favorite among **motorcyclists** and **road-trippers** are along here, the **Blue Ridge Parkway** leads you past jaw-dropping **mountain scenery** and **historic buildings** at every turn. **Enjoy the stunning backdrop of ancient blue peaks.** Once you arrive in Waynesville, plenty of other adventures await. **Discover what to do in Waynesville.**



CAST YOUR LINE FOR DINNER

Fishing is the ultimate self-educating activity and Waynesville puts you right in the heart of NC's **Mountain Heritage Trout Waters**. Whether you cast your line at a **Mountain Creek** fishing hole or your hand at **fly fishing**, you'll find the relaxation and escape we seem to be so short of these days. Best of all, you'll never be far from the fun of Main Street, and its restaurants, **bars**, and **retail shops**.



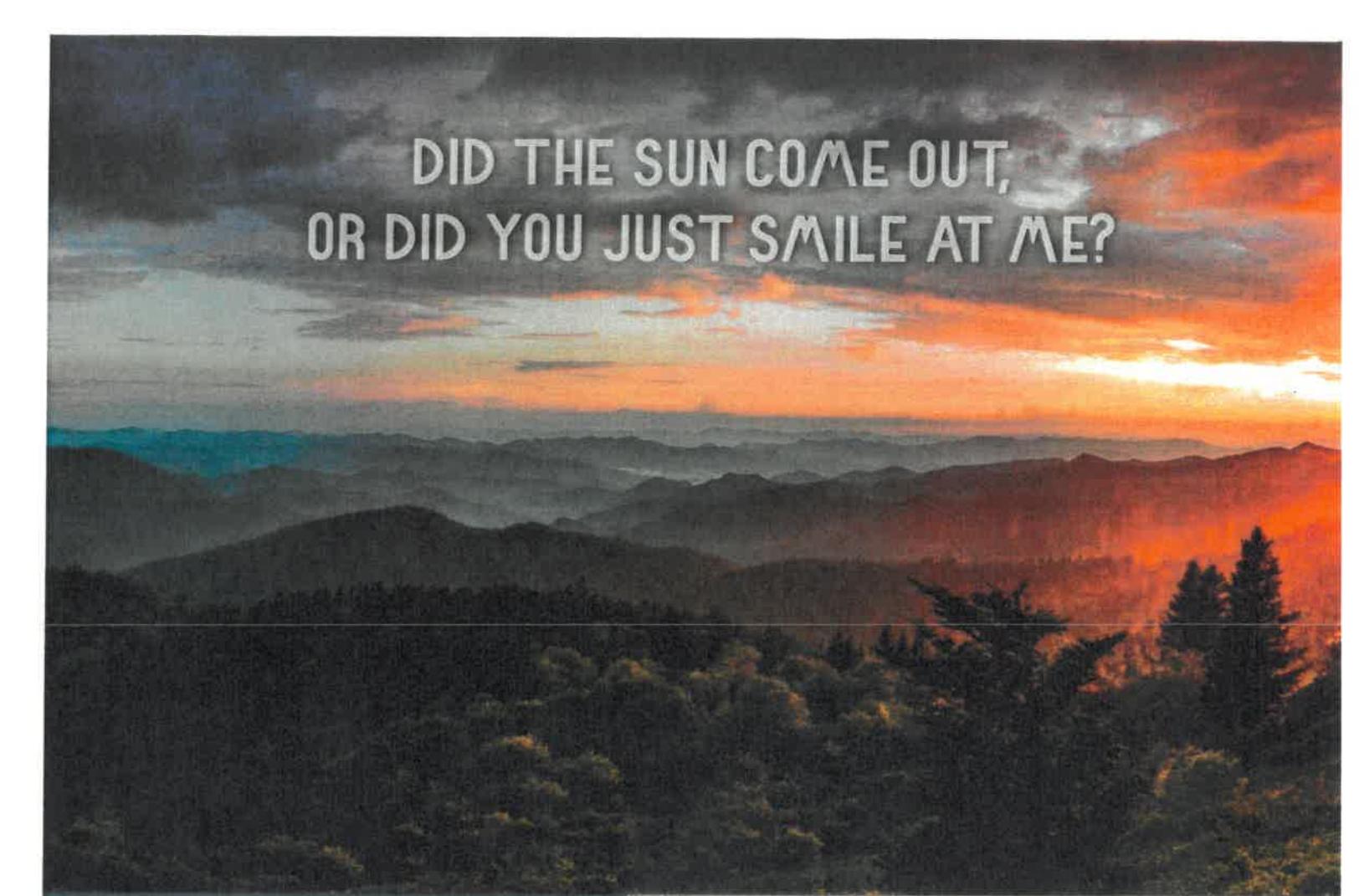
BRING ALONG YOUR FOUR-LEGGED FRIEND

Waynesville is a doggy's dream. Take your canine on a walk at **Blue Ridge Park** for walking, unspoiled views of the Smokies. Always bring by **Smoky Mountain Dog Bakery** for a gourmet assortment of dog and cat treats. Then get some social time in the **Smoky Dog** and maybe end by an outdoor cafe for some human refreshments. **Don't a stone for one, just take to stay...**



Waynesville





DID THE SUN COME OUT,
OR DID YOU JUST SMILE AT ME?

We miss you.
Like really, *really* miss you.

If you're craving wide open spaces, miles of mountain trails and fresh air unlike anything you've breathed in weeks, we're here for you when you are ready.

Sincerely,
Maggie Valley, Waynesville,
Lake Junaluska, Canton and Clyde

VISITNC  SMOKIES

1110 Soco Road
Maggie Valley, NC 28751

PRSR STD
US POSTAGE
PAID
WAYNESVILLE NC
PERMIT #18

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VisitNCsmokies.com

Open, airy visuals and fun, inviting messages

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Are you a time traveler?
Because we can see you in our future.



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Start planning. [LEARN MORE](#)
See what's waiting in the NC Smokies.

128 7 Comments 23 Shares

Like Comment Share

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Do you believe in love at first sight,
or should I walk by again?



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Fall in love with the NC Smokies.

128 7 Comments 23 Shares

Like Comment Share

I'M NO PHOTOGRAPHER,
BUT I CAN PICTURE
US TOGETHER.

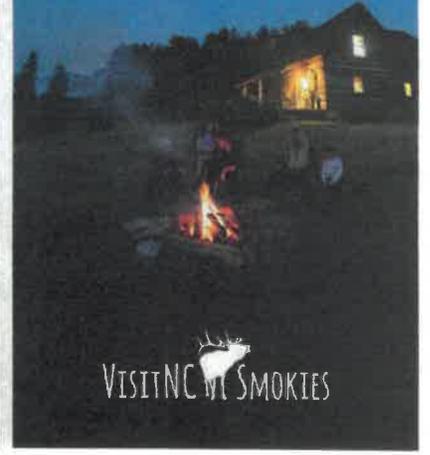
[Explore the NC Smokies](#)



VISITNCMOKIES

I COULD
REALLY USE
S'MORE OF YOU.

[Explore the NC Smokies](#)



VISITNCMOKIES

The 2019 Economic Impact of Travel In Haywood County

Prepared for Visit North Carolina By the U.S. Travel Association



Tourism in Haywood County generated expenditures of **\$204.26** million in 2019, which was a **7.54%** increase from 2018.



More than **1,910** jobs in Haywood County were directly attributable to travel & tourism.

Travel to Haywood County generated **\$45.11** million in payroll in 2019.

Local tax revenues generated from travel to Haywood County are **\$7.62** million.

State tax revenues generated from travel to Haywood County are **\$11.14** million.



Haywood County

#28 in State Tourism Expenditures
#5 in Western Prosperity Zone of NC

As a result of tourism, the **tax savings per Haywood County resident is \$296.22.**



TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: October 13, 2020

SUBJECT: Call for a Public Hearing to consider a request for Annexation for three parcels of property along Dellwood Road and Ivy Hill: 1778 Dellwood Road, PIN 8617-10-6618; “Lot 75” of Ivy Hill Subdivision, PIN 8617-10-6745; and “Lot 77”, PIN 8617-10-7527.

AGENDA INFORMATION:

Agenda Location: Call for Public Hearings
Item Number: D4
Department: Development Services
Contact: Elizabeth Teague, Development Services Director
Presenter: Elizabeth Teague, Development Services Director

BRIEF SUMMARY: The Town received the attached “Petition for Annexation of Non-Contiguous ‘Satellite’ Areas,” from Roy Rodriguez, President of Big Rods Investments, Inc. a North Carolina Corporation that owns the property. This property is outside of the Town’s Extraterritorial Jurisdiction and lies within proximity of the Dellwood Junaluska Regional Center District to the west and east. The Planning Board will consider a recommendation for zoning at their next regular meeting on October 19.

MOTION FOR CONSIDERATION:

1. Adoption of attached resolution to direct the clerk to certify application and to schedule a public hearing.

FUNDING SOURCE/IMPACT: Future action to annex this property will bring nearby properties into the Town of Waynesville with all associated services and tax liabilities, including an existing commercial structure.

ATTACHMENTS:

1. Petition with metes and bound description
2. Property, Zoning and Proximity to Municipal Boundaries maps from Haywood County Land Records
3. Resolution

MANAGER’S COMMENTS AND RECOMMENDATIONS:

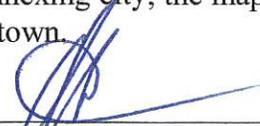
PETITION FOR ANNEXATION OF
NON-CONTIGUOUS "SATELLITE" AREAS

(Part 4, Article 4A, G.S. 160A-58)

9/24/20
Date

TO: Board of Aldermen of the Town of Waynesville

1. We, the undersigned owners of real property, respectfully request that the area described in paragraph 3 below be annexed to the Town of Waynesville.
2. Standards which the satellite area must meet:
 - a. The nearest point on the satellite area must not be more than three (3) miles from the primary limits of the annexing city.
 - b. No point on the satellite area may be closer to the primary limits of another municipality than to the annexing city.
 - c. Note: When there is any substantial question as to whether the area is closer to another city, the tax map submitted with the petition shall show the satellite area also in relation to the primary corporate limits of the other city.
 - d. The area proposed for annexation must be situated that services provided the satellite area can be equivalent to the services provided within the primary limits.
 - e. If the area proposed for annexation, or any portion thereof, is a subdivision, as defined in G.S. 160A-376, all of the subdivision must be included.
 - f. The area within the proposed satellite limits plus the area within all other satellite corporate limits may not exceed ten percent (10%) of the total land area within the primary corporate limits of the annexing city.
3. The area to be annexed is non-contiguous to the Town of Waynesville and the boundaries of such territory are as follows: See Attached
 - a. Metes and bounds description is attached.
4. A tax map is attached showing the area proposed for annexation in relation to the primary corporate limits of the Town of Waynesville. If there is substantial question as to whether the area may be closer to another city than to the annexing city, the map should show the relation to the primary corporate limits of the other town.

NAME Rogelio (Roy) Rodriguez SIGNATURE 
ADDRESS 1778 Dellwood Rd., Waynesville, NC 28785.

President of Big Rods Investments, Inc. 954-249-5007

Report For

BIG RODS INVESTMENTS INC A NC CORP
2404 HEATH PEAK RD
WAYNESVILLE, NC 28785-5919

Account Information

PIN: 8617-10-7527

Legal Ref: 1008/249

Add Ref: 1008/246
CABD/889

Site Information

IVY HILL DEVELOPMENT

IVY HILL DR

Heated Area:

Year Built:

Total Acreage: 0.52

Township: Ivy Hill

Site Value Information

Land Value: \$20,800

Building Value: \$0

Market Value: \$20,800

Deferred Value: \$0

Assessed Value: \$20,800

Sale Price: \$160,000

Sale Date: 9/22/2020



1 inch = 50 feet
October 5, 2020

Disclaimer: The maps on this site are not surveys. They are prepared from the inventory of real property found within this jurisdiction and are compiled from recorded deeds, plats and other public records and data. Users of this site are hereby notified that the aforementioned public primary information sources should be consulted for verification of any information contained on these maps. Haywood county and the website provider assume no legal responsibility for the information contained on these maps.

Report For

BIG RODS INVESTMENTS INC A NC CORP
2404 HEATH PEAK RD
WAYNESVILLE, NC 28785-5919

Account Information

PIN: 8617-10-6618

Legal Ref: 1008/249

Add Ref: 1008/246
CABD/889

Site Information

MORNING SIDE DEVELOPMENT
RESTAURANT WALK-IN
Commercial Use
1778 DELLWOOD RD

Heated Area: 1200
Year Built: 1974
Total Acreage: 0.473
Township: Ivy Hill

Site Value Information

Land Value:

Building Value:

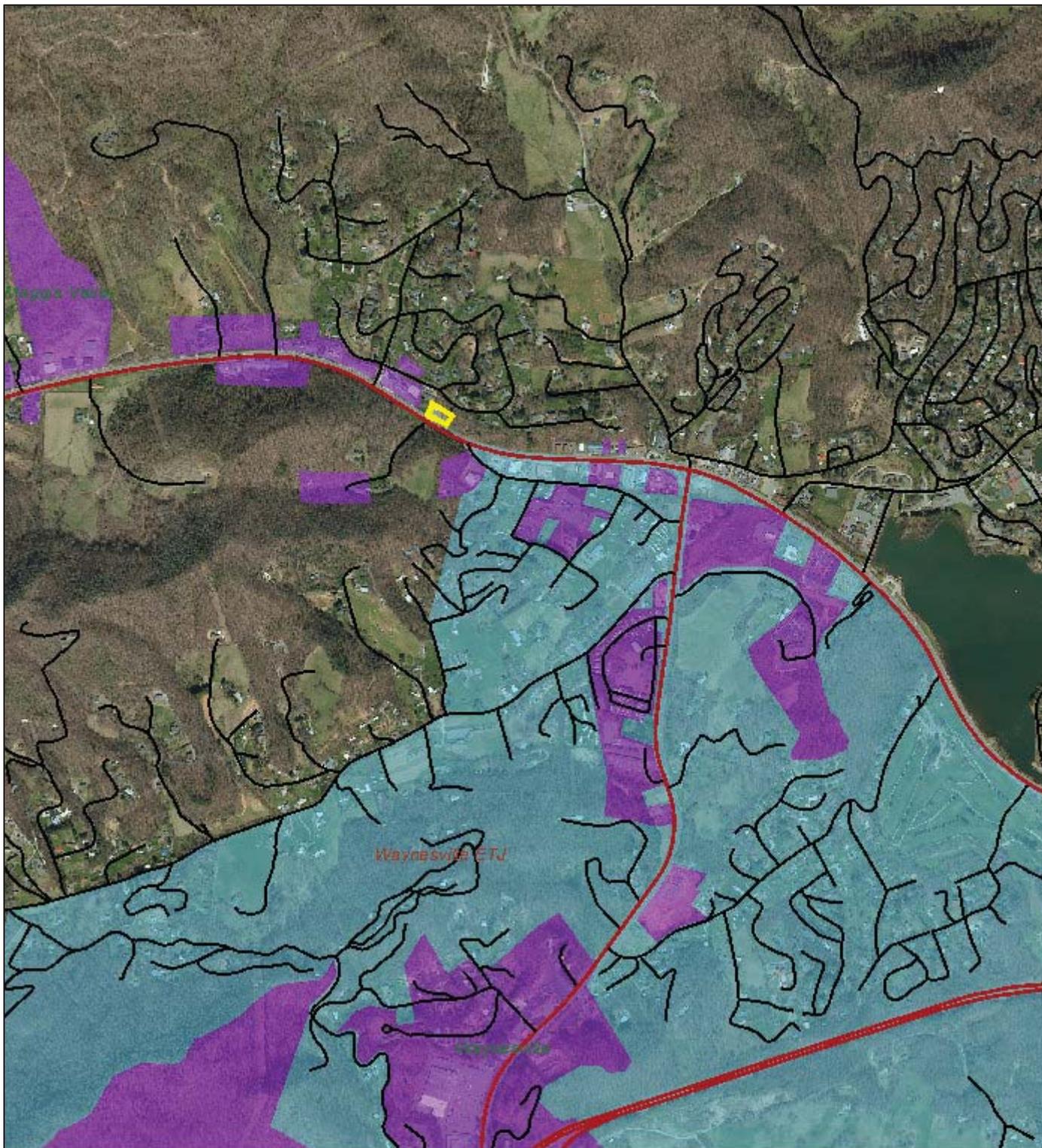
Market Value:

Deferred Value:

Assessed Value:

Sale Price:

Sale Date: 09/21/2020



1 inch = 1,333 feet
October 5, 2020

Disclaimer: The maps on this site are not surveys. They are prepared from the inventory of real property found within this jurisdiction and are compiled from recorded deeds, plats and other public records and data. Users of this site are hereby notified that the aforementioned public primary information sources should be consulted for verification of any information contained on these maps. Haywood county and the website provider assume no legal responsibility for the information contained on these maps.

PENDING REVIEW FOR TAX LISTING

DATE 2020-09-22 BY SL

HAYWOOD COUNTY TAX CERTIFICATION

Gregory W. West, Haywood County Tax Collector

Date: 2020-09-22 By: CINDY

There are no delinquent taxes due that are a lien against parcel(s)

2020009446

HAYWOOD COUNTY NC FEE \$26.00

STATE OF NC REAL ESTATE EXT

\$320.00

PRESENTED & RECORDED

09/22/2020 03:11:50 PM

SHERRI C. ROGERS

REGISTER OF DEEDS

BY: TARA E. REINHOLD

DEPUTY

BK: RB 1008

PG: 249 - 251

NORTH CAROLINA GENERAL WARRANTY DEED

Excise Tax: \$ 320.00

Parcel Identifier No. 8617-10-6618/6745/7527 Verified by _____ County on the _____ day of _____, 20____
By: _____

Mail/Box to: Wenzel & Wenzel, PLLC, 166 Branner Avenue, Ste A, Waynesville, NC 28786

This instrument was prepared by: Derek M. Wenzel, a Licensed NC Attorney, 166 Branner Avenue, Suite A, Waynesville, NC 28786. Delinquent taxes, if any, to be paid by the closing attorney to the County Tax Collector upon disbursement of closing proceeds.

Brief Description for the index: Ivy Hill Development

THIS DEED made the 22nd day of September, 2020 by and between:

GRANTOR(S)	GRANTEE(S)
Gaddy Trio, LLC, a NC limited liability company 275 Seawell Rosser Road Sanford, NC 27332	Big Rods Investments, Inc., a NC corporation 2404 Heath Peak Rd Waynesville, NC 28785

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in the Ivy Hill Township, Haywood County, North Carolina and more particularly described as follows:

See Exhibit "A" attached hereto and incorporated herein by reference

The property hereinabove described was acquired by Grantor by instrument recorded in Deed Book 478, Page 286.

A map showing the above described property is recorded in Plat Cabinet D, Slot 889.

All or a portion of the property herein conveyed ___ includes or X does not include the primary residence of a Grantor.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever, other than the following exceptions: Ad Valorem property taxes, easements, restrictions, rights of way and all other such matters of public record.

IN WITNESS WHEREOF, the Grantor has duly executed the foregoing as of the day and year first above written.

Gaddy Trio, LLC, a NC limited liability company

Phyllis Kay Gaddy (SEAL)
By: Phyllis Kay Gaddy

STATE OF North Carolina, COUNTY OF Haywood

I, the undersigned Notary Public for the County of Haywood and State aforesaid, certify that Phyllis Kay Gaddy, personally came before me this day and acknowledged that she is the Member/Manager of Gaddy Trio, LLC, a NC limited liability company, and that by authority duly given and as the act of such entity, she signed the foregoing instrument in its name on its behalf as its act and deed.

Witness my hand and Notarial stamp or seal this the 22nd day of September, 2020.

(Official Seal)



[Signature]
Notary Public
My Commission Expires: 10/26/23

EXHIBIT "A"

FIRST PARCEL:

BEING Lot 75, Ivy Hill Development, containing 0.352 acre, as set forth on plat of survey by Herron Associates Surveying & Planning, Sylvia E. Higdon, PLS, dated 09/10/2020, entitled "Plat Prepared For A to Z Capital", recorded in Plat Cabinet D, Slot 889, Haywood County Registry.

SECOND PARCEL:

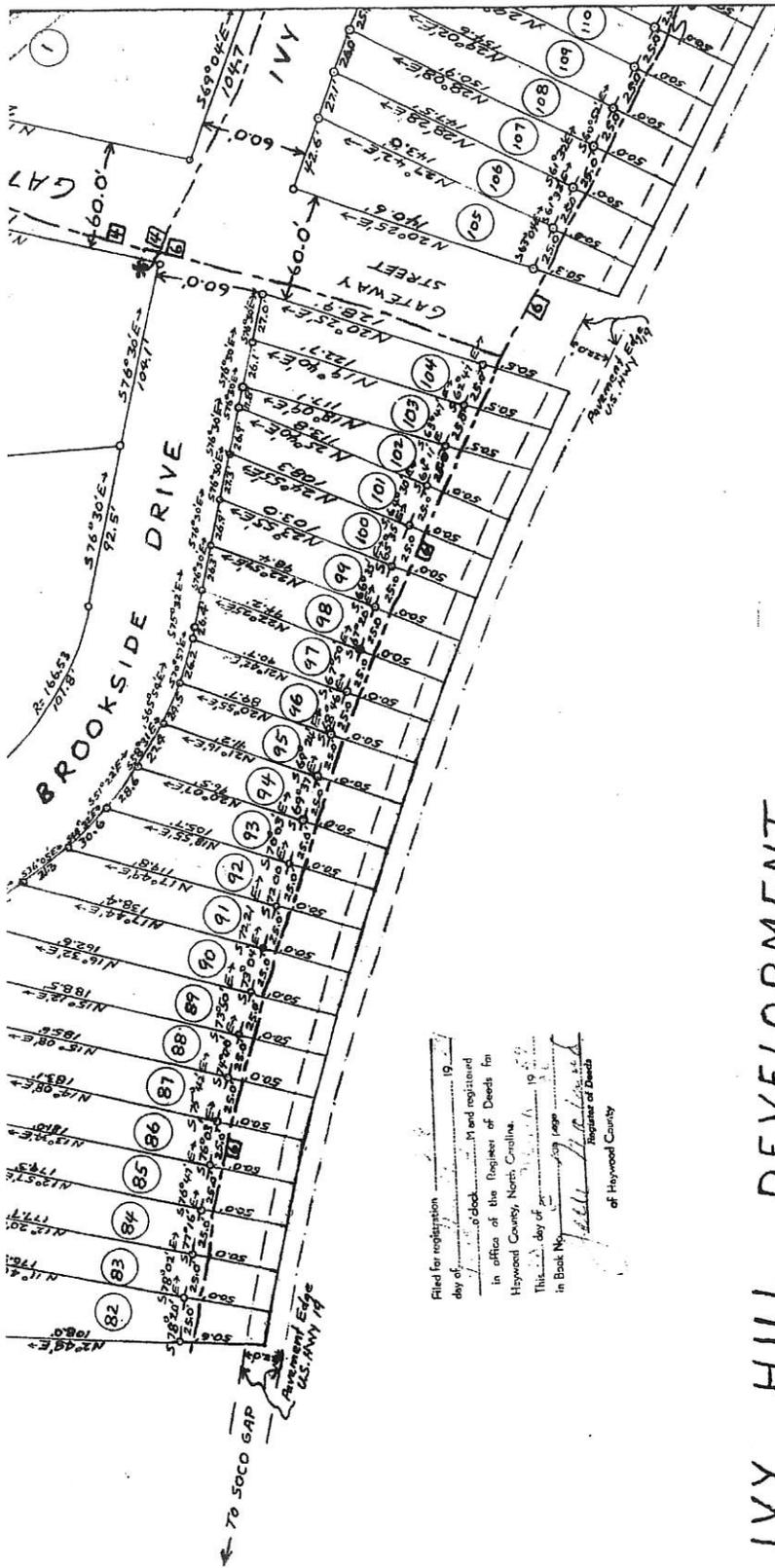
BEING Lot 76, Ivy Hill Development, containing 0.473 acre, as set forth on plat of survey by Herron Associates Surveying & Planning, Sylvia E. Higdon, PLS, dated 09/10/2020, entitled "Plat Prepared For A to Z Capital", recorded in Plat Cabinet D, Slot 889, Haywood County Registry.

THIRD PARCEL:

BEING Lot 77, Ivy Hill Development, containing 0.523 acre, as set forth on plat of survey by Herron Associates Surveying & Planning, Sylvia E. Higdon, PLS, dated 09/10/2020, entitled "Plat Prepared For A to Z Capital", recorded in Plat Cabinet D, Slot 889, Haywood County Registry.

SUBJECT TO the right of way of U.S. Hwy 19 and Ivy Hill Drive to their full legal widths.

ALSO BEING Tract I and Tract II conveyed by warranty deed dated February 15, 2000 from William Boyd Gaddy, Jr. and wife, Kay Marshburn Gaddy to Gaddy Trio, LLC, recorded in Book 478, Page 286, Haywood County Registry; **SUBJECT TO** a life estate to Aline Gaddy Hampton [who died in Buncombe County, North Carolina in 2017] AND to Beatrice Jane Hoglen.



Filed for registration _____ 19____ day of _____ filed _____ and registered _____ in office of the Register of Deeds for Haywood County, North Carolina. This _____ day of _____ 19____ in Book No. _____ Page _____ of Haywood County Register of Deeds

IVY HILL DEVELOPMENT

OWNED BY BUILDERS CASH AND CARRY, INC.
 LYING NORTH OF U.S. HIGHWAY 19, IVY HILL TOWNSHIP
 HAYWOOD COUNTY, N. C.

SCALE 1" = 50'

JANUARY 1959
 Iron Pipe Corner
 Informant's Stream
 Watering (No. Inside square indicates size of pipe in inches)
 Hydrant

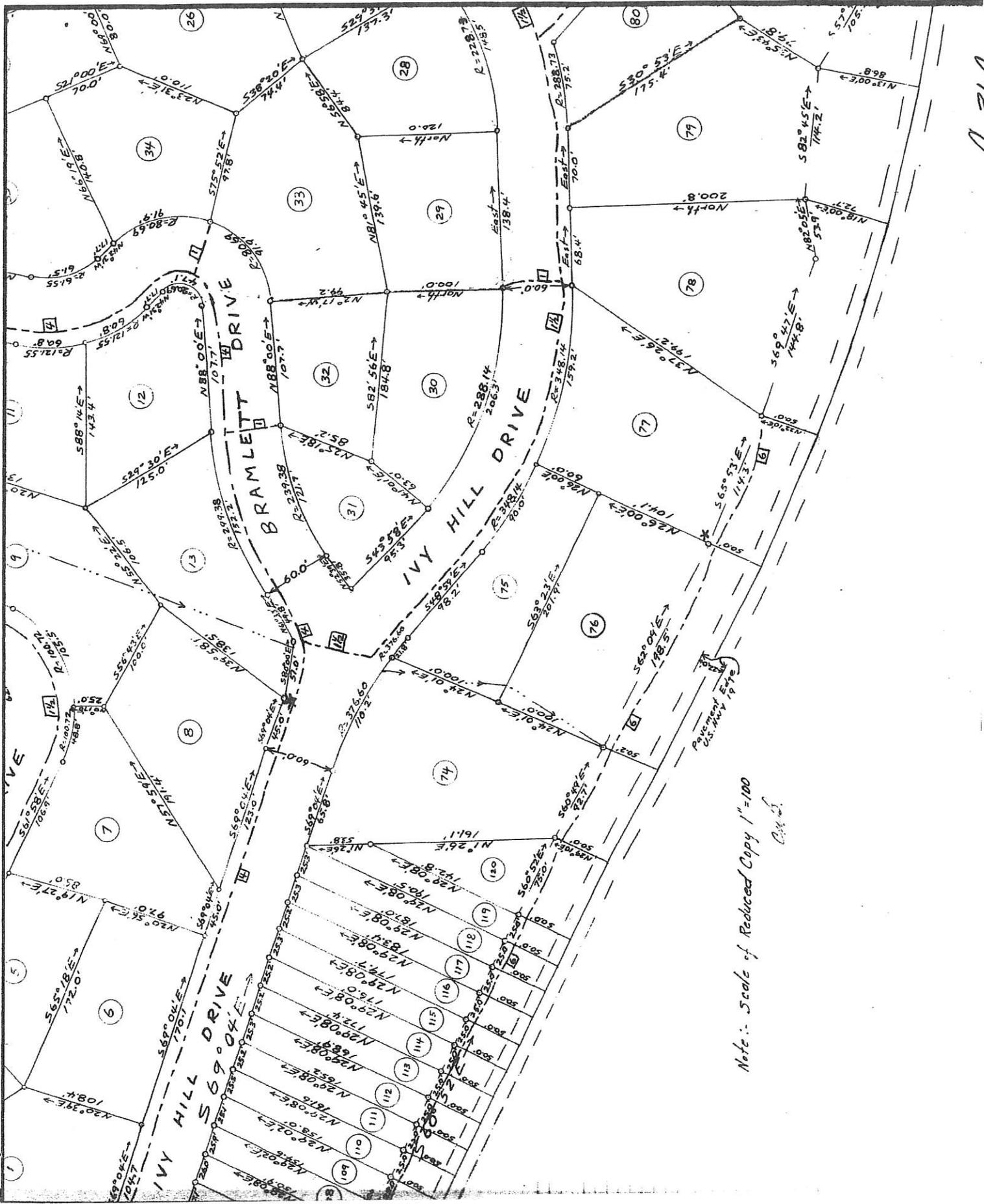
STATE OF NORTH CAROLINA COUNTY OF HAYWOOD
 R.A. WILHELM, L.A. & C.E., BEING BY ME FIRST DULY SWORN, DEPOSES & SAYS: THAT THE ANNEXED PLAT, DESIGNATED AS IVY HILL DEVELOPMENT OF BUILDERS CASH AND CARRY, INC. IS IN ALL RESPECTS CORRECT AND WAS PREPARED FROM ACTUAL SURVEYS BY J.A. TODD & T.C. COWART OCT. 1958 - JAN. 1959 AND WAS DRAFTED BY J.A. TODD & T.C. COWART

STATE OF NORTH CAROLINA COUNTY OF HAYWOOD
 SWORN TO AND SUBSCRIBED BEFORE ME BY R.A. WILHELM, L.A.-C.E. THIS 14 DAY OF JAN. 1959. After Dawn Notary Public
 MY COMMISSION EXPIRES Dec. 21, 1960

STATE OF NORTH CAROLINA COUNTY OF HAYWOOD
 THE FOREGOING AFFIDAVIT AND CERTIFICATION SWORN TO BEFORE _____ A NOTARY PUBLIC FOR HAYWOOD COUNTY, N.C., DULY AUTHENTICATED BY THE SEAL AFFIXED, IS IN DUE FORM AND ACCORDING TO LAW; THEREFORE LET THE SAID PLAT WITH THE FOREGOING AFFIDAVIT AND CERTIFICATION BE REGISTERED
 WITNESS MY HAND THIS _____ DAY OF _____ 1959
 R. A. Campbell, Sec'y of State

LOT NO.	U.S. Hwy 19, South Boundary of Lot	Bearing	Dist (ft)	U.S. Hwy 19, South Boundary of Lot	Bearing	Dist (ft)
82	S 78° 20' E	171	105	S 63° 04' E	181.6	
83	S 78° 03' E	24.5	106	S 61° 32' E	24.3	
84	S 77° 16' E	24.5	107	S 61° 32' E	25.3	
85	S 76° 27' E	24.5	108	S 60° 52' E	25.0	
86	S 76° 03' E	24.5	109	S 60° 52' E	25.0	
87	S 75° 42' E	24.1	110	S 60° 52' E	25.0	
88	S 74° 00' E	23.8	111	S 60° 52' E	25.0	
89	S 73° 50' E	23.8	112	S 60° 52' E	25.0	
90	S 73° 04' E	24.0	113	S 60° 52' E	25.0	
91	S 72° 21' E	24.9	114	S 60° 52' E	25.0	
92	S 72° 00' E	24.0	115	S 60° 52' E	25.0	
93	S 70° 03' E	24.0	116	S 60° 52' E	25.0	
94	S 69° 31' E	24.0	117	S 60° 52' E	25.0	
95	S 69° 27' E	25.3	118	S 60° 52' E	25.0	
96	S 68° 46' E	24.3	119	S 60° 52' E	25.0	
97	S 67° 50' E	24.5	120	S 60° 52' E	25.0	
98	S 67° 20' E	24.5	74	S 60° 49' E	75.0	
99	S 66° 35' E	24.2	76	S 62° 07' E	196.8	
100	S 65° 35' E	24.1	77	S 65° 53' E	177.6	
101	S 64° 30' E	24.3	78	S 70° 35' E	196.9	
102	S 64° 11' E	31.6	79	S 75° 36' E	130.0	
103	S 63° 47' E	23.7	81	S 79° 49' E	178.0	
104	S 62° 47' E	24.3				

4-26



Note: Scale of Reduced Copy 1"=100

Ans.

G-360

RESOLUTION TO CONSIDER

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF
THE TOWN OF WAYNESVILLE, NORTH CAROLINA

WHEREAS, the Board of Aldermen has been petitioned under G.S. 160A-58.1, to annex the area as described in the petition for a non-contiguous satellite annexation request, and

WHEREAS, the Board of Aldermen must find that the area described therein meets the standards of G.S. 160A-58.1(b), to wit:

- a. The nearest point on the proposed satellite corporate limits is not more than three miles from the corporate limits of the Town of Waynesville.
- b. No point on the proposed satellite corporate limits is closer to another city than to the Town of Waynesville.
- c. The area described is so situated that the Town of Waynesville will be able to provide services on the same basis within the proposed satellite corporate limits that it provides within the primary corporate limits,
- d. No subdivision, as defined in G.S. 160A-376, will be fragmented by this proposed annexation,
- e. The area within the proposed satellite corporate limits, when added to the area within all other satellite corporate limits does not exceed ten percent (10%) of the area within the primary corporate limits of the Town of Waynesville; and

WHEREAS, the Board of Aldermen must also find that the petition is otherwise valid, and that the public health, safety and welfare of the Town and of the area proposed for annexation will be best served by annexing the area described.

WHEREAS, the Board of Aldermen must also hold a duly notified public hearing on this request;

NOW, THEREFORE, BE IT ORDAINED by the Board of Aldermen of the Town of Waynesville, North Carolina:

1. To direct the Town Clerk to certify that the application meets the standards for annexation to the Town of Waynesville; and
2. To direct the Planning Board to make a recommendation regarding the proper zoning for the parcel; and
3. To direct Town staff to notify adjacent property owners and schedule a public hearing for November 10, 2020 at 6:30 pm.

Adopted this 13th day of October, 2020.

TOWN OF WAYNESVILLE

ATTEST:

J. Gary Caldwell, Mayor

Eddie Ward, Town Clerk

APPROVED AS TO FORM:

William E. Cannon, Jr., Town Attorney

**TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: October 13, 2020**

SUBJECT:

To call for a Public Hearing for a Land Development Standards Text Amendment to Section 13.5 – Nonconforming Uses and Structures.

AGENDA INFORMATION:

Agenda Location: Call for Public Hearings
Item Number: D5
Department: Development Services
Contact: Byron Hickox, Land Use Administrator
Presenter: Byron Hickox, Land Use Administrator

BRIEF SUMMARY:

The Land Development Standards addresses nonconformities and categorizes them as one of three types: nonconforming lots, nonconforming uses, or nonconforming structures. These are defined as lots, uses, or structures which existed prior to the adoption of the Land Development Standards. In the LDS Section 13.5, “uses” and “structures” are found in the same subsections and are used interchangeably, leading to confusion. The Zoning Board of Adjustment requested a text amendment to rectify this situation and avoid future complications. The entirety of Sections 13.5.2, 13.5.3, and 13.5.4 with the proposed changes can be viewed in the attached staff report.

The Planning Board considered this issue at its September 21, 2020 meeting and voted to recommend to the Board of Aldermen the proposed text amendments to LDS Section 13.5.

MOTIONS FOR CONSIDERATION:

1. Motion to call for a public hearing on Tuesday, October 27, 2020 to consider text amendments to Land Development Standards Sections 13.5.2, 13.5.3, and 13.5.4.

FUNDING SOURCE/IMPACT:

N/A

ATTACHMENTS:

Staff report

MANAGER’S COMMENTS AND RECOMMENDATIONS:

Board of Aldermen Staff Report

Subject: Clarification of Nonconforming and uses and structures
Ordinance Section: Section 13.5 – Nonconforming Uses and Structures
Applicant: Zoning Board of Adjustment Initiated
Meeting Date: October 13, 2020

Background

Land Development Standards Chapter 13 addresses nonconformities, which are categorized as nonconforming lots, nonconforming uses, and/or nonconforming structures that were established prior to the adoption of the Land Development Standards. These nonconforming categories are defined as follows:

- **A nonconforming lot** is a lot of record that does not meet the dimensional requirements of Chapter 2 for the land development district in which it is located. A nonconforming vacant lot of record is one that was recorded by plat or description in the Office of the Register of Deeds of Haywood County prior to the adoption of this chapter or prior to the time that the lot was brought into the town's jurisdiction. This definition shall not be interpreted to include recorded lots that were in violation of any prior subdivision regulations of the Town of Waynesville and which will remain in violation.
- **Nonconforming Use:** A nonconforming use is a use which was once a permitted use on a parcel of land or within a structure, or which precedes any Ordinances, but which is now not a permitted use of that parcel according to Chapter 2 of this Ordinance. This definition includes open uses of land (e.g., storage yards and golf driving ranges) as well as the structures that contain nonconforming uses. The nonconformity may result from the adoption of this Ordinance or any subsequent amendment.
- **Nonconforming Structure:** A nonconforming structure does not conform to dimensional, design, locational, or other requirements of this Ordinance. The nonconformity may result from adoption of this Ordinance or any subsequent amendment.

In the current Land Development Standards, subsection 13.5.3, Standards for Nonconforming Structures, addresses “uses” and “structures” together in the same paragraphs and uses the two terms interchangeably. As a result of a case that came before the Zoning Board of Adjustment (ZBA) at their regular meeting on February 5, 2020, the ZBA asked for a Board initiated text amendment that would separate “use” and “structure” within the standards to avoid future confusion.

Staff Recommendation

Staff recommends that Section 13.5 Standards for Nonconforming Uses and Structures be amended to strike “use” from the section related to structures as follows (in red):

13.5.2 Standards for Nonconforming Uses and Accessory Uses

- A. **Continuation Permitted:** Any legally established nonconforming use or accessory use may be continued subject to the standards listed in this section. However, once a nonconforming use or accessory use is made conforming, it may not later be used for any nonconforming use or expanded in violation of this Ordinance.
- B. **Expansion of Use Prohibited:** A nonconforming use or accessory use may be enlarged or extended only into portions of the structure that existed at the time that the use became nonconforming. No external improvements which would extend or enlarge the nonconforming use or accessory use of the land area that it covers are permitted. However, routine maintenance of any structure containing a nonconforming use or accessory use is permitted.
- C. **Discontinuance of 1 Year:** A nonconforming use or accessory use of a structure that is discontinued for a continuous period of more than one (1) year may not be reestablished. All subsequent uses of the structure and site must be in conformance with the particular regulations for the land development district in which the property is located.
- D. **Damage or Destruction:** Any structure containing a nonconforming use or accessory use that has been damaged by fire or natural causes, regardless of the extent of the damage, may be repaired or re-established and continued in accordance with this Ordinance, provided that any such repair or re-establishment does not increase the degree of any nonconformance. Such repair or re-establishment must occur within one (1) year of the date the damage occurred.
- E. **No nonconforming accessory use, once discontinued, may be re-established or moved to another structure on the lot.**

13.5.3 Standards for Nonconforming Structures

- A. **Continuation Permitted:** Any legally established nonconforming ~~use or~~ structure may be continued subject to the standards listed in this section. However, once a nonconforming ~~use or~~ structure is made conforming, it may not later be used for any nonconforming use or expanded in violation of this Ordinance.
- B. **Legal Expansions Permitted:** A nonconforming structure may be enlarged, maintained, repaired or altered; provided, however, that no such enlargement, maintenance, repair, or alteration shall either create an additional nonconformity or increase the degree of the existing nonconformity of all or any part of the structure. However, this provision is not intended to permit substantial reconstruction or new construction on the same building footprint.
- C. **Damage or Destruction:** Any nonconforming structure that has been damaged by fire or natural causes, regardless of the extent of the damage, may be repaired or re-established and continued in accordance with this section, provided that any such repair or re-establishment does not increase the degree of any nonconformance and should comply with the building design requirements of Chapter 5 to the extent practical as determined by the Administrator. Such repair or re-establishment must occur within one (1) year of the date the damage occurred.

13.5.4 Standards for Nonconforming Accessory ~~Uses and~~ Structures

- A. **Legal Expansions Permitted:** A nonconforming accessory structure may be expanded only if the expansion does not increase the nonconforming condition of the structure.
- B. **Must Terminate When Principal Use/Structure is Terminated:** No nonconforming ~~accessory use or~~ accessory structure shall continue ~~after the principal use or if~~ structure is ~~terminated by abandoned, damaged, or destroyed~~ unless such ~~accessory use or~~ structure is made to conform to the standards for the zoning district in which it is located.

Planning Board Recommendations

At its September 21, 2020 meeting, the Planning Board voted unanimously to recommend to the Board of Aldermen the proposed amendments to Sections 13.5.2, 13.5.3, and 13.5.4 of the Land Development Standards.

Consistency with the 2035 Comprehensive Land Development Plan

The Planning Board concurs that the following goals of the Comprehensive Plan could apply:

Goal 1: Continue to promote smart growth principles in land use planning and zoning.

- Create walkable and attractive neighborhoods and commercial centers.
- Encourage in-fill and context-sensitive development.

Goal 2: Create a range of housing opportunities and choices.

- Promote a diverse housing stock including market rate, workforce housing and affordable options that appeal to a variety of households.

Goal 5: Create opportunities for a sustainable economy.

- Encourage creatively designed, mixed-use, walkable centers and commercial districts that appeal to residents and visitors.

**TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: October 13, 2020**

SUBJECT:

To call for a Public Hearing for a Land Development Standards Text Amendment to Section 2.5.3 – Table of Permitted Uses and Section 17.3 – Definitions, Use Type.

AGENDA INFORMATION:

Agenda Location: Call for Public Hearings
Item Number: D6
Department: Development Services
Contact: Byron Hickox, Land Use Administrator
Presenter: Byron Hickox, Land Use Administrator

BRIEF SUMMARY:

At its August 25, 2020 regularly scheduled meeting, the Board of Aldermen directed Development Services staff and the Planning Board to “refer to the definition of “Recreation Facilities, Outdoor” for review and re-wording because potential problems that could arise because of the current overly broad definition.

The Planning Board considered this issue at its September 21, 2020 meeting and voted to recommend to the Board of Aldermen four proposed amendments to the LDS:

1. Adopt the proposed amended definition of Recreation Facilities, Outdoor.
2. Adopt the proposed definition of Golf Course/Country Club and permit this use only in Low Density Residential Districts.
3. Adopt the proposed definition of Campground and do not permit this use in any zoning district.
4. Adopt the proposed definition of Recreational Vehicle Park and do not permit this use in any zoning district.

MOTIONS FOR CONSIDERATION:

1. Motion to call for a public hearing on Tuesday, October 27, 2020 to consider text amendments to Land Development Standards Section 2.5.3 – Table of Permitted Uses and Section 17.3 – Definitions, Use Type.

FUNDING SOURCE/IMPACT:

N/A

ATTACHMENTS:

Staff report

MANAGER’S COMMENTS AND RECOMMENDATIONS:

Board of Aldermen Staff Report

Subject: Recreation Facilities, Outdoor – Definition
Ordinance Section: Section 17.3 – Definitions, Use Type
Applicant: Board of Aldermen Initiated
Meeting Date: October 13, 2020

Background:

At its August 25, 2020 regularly scheduled meeting, the Board of Aldermen directed Development Services staff and the Planning Board to “refer to the definition of “Recreation Facilities, Outdoor” for review and re-wording because potential problems that could arise because of the current overly broad definition. The Planning Board considered this issue at its September 21, 2020 meeting.

The current definition for Outdoor Recreation Facilities as a zoning use type in the Waynesville Land Development Standards (LDS) Section 17.3 is:

Recreation Facilities, Outdoor Parks and other open space used for active or passive recreation such as ball fields, batting cages, skateboard parks, playgrounds, greenway trails, driving ranges, tennis courts, riding stables, campgrounds, and golf courses and their customary accessory uses including, but not limited to, maintenance sheds, clubhouses (with or without food service), pools, restrooms, and picnic shelters. This definition is inclusive of both non-profit and for-profit operations. (adopted in 2011 LDS)

The definition appears to combine definitions from the previous 2006 LDS:

Recreation, Outdoor: A commercial recreational land use predominately conducted in open or partially enclosed or screened facilities.

Golf Courses and Country Clubs: An establishment primarily engaged in operating golf courses (except miniature), along with dining facilities and other recreational facilities. These establishments often provide beverage services, equipment and rental services, recreation instructional services and guest accommodations (hotels, motels, inns).

Public or Private Parks, Active: Land owned or controlled for the purpose of providing active recreation pursuits. Active recreation shall include such things as running tracks and tennis courts.

An Outdoor Recreation Facility is an enumerated use within the Permitted Uses Table (LDS Section 2.5.3) and is permitted in all residential districts with applicable supplemental standards and within all commercial and mixed-use districts without supplemental standards. It is not a permitted use in the Commercial-Industrial District.

In addition to being very broad, the current definition includes by reference the term “campground” which can have various meanings in today’s context. Interpretations of “camping” of campgrounds” may warrant specific and unique zoning consideration because of their potential impacts to surrounding

properties and infrastructure. The Town of Maggie Valley, for example, includes the following definitions in their ordinance:

CAMPGROUNDS. Commercial facilities which provide temporary sites and hookups (electricity, water and sewer) for recreational vehicles and tent sites. These sites are not intended as manufactured home sites or as permanent locations for dwelling units.

CAMPING CABINS. A structure that is completely enclosed by a roof and by solid exterior walls and that is less than 12 feet in width and less than 12 feet in depth (not including open porches), which is permanently affixed to a lot or lots, and which meets all state and local building codes, and is intended for use as temporary sleeping quarters for human beings. **CAMPING CABINS** shall not have plumbing, kitchen, or cooking facility and are limited to campgrounds.

PARK MODEL. A **PARK MODEL** recreational vehicle is basically a very small manufactured (mobile) home. They are typically built in accordance with the construction requirements of the HUD Manufactured Housing Code but because of their limited size (400 square feet or less of living space) they are not required to be labeled by the HUD manufacturing housing program. Since these park model type units are not under the jurisdiction of the HUD program, these units have typically in the past been built, labeled, and sold as recreational vehicles.

TRAVEL TRAILER. Any vehicle used, or so constructed as to permit its being used as conveyance upon the public street or highways duly licensable as such, and constructed in such a manner as will permit occupancy thereof as a dwelling or sleeping place for 1 or more persons, and designed, for short-term occupancy, for frequent and/or extensive travel, and for recreational and vacation use, including camper trucks and self-propelled campers, and the like. All **TRAVEL TRAILERS** must remain in a mobile condition with no permanent or semi-permanent structure attached to the travel trailer or erected on the rented site.

TRAVEL TRAILER/RV PARKS. Any site of land approved by the Zoning Board of Adjustment under § 154.039(C)(2) upon which two or more travel trailers are located and used as temporary living or sleeping quarters. Temporary use is defined as less than 180 days out of a 365 day year.

Staff Recommendation

Staff recommends that the current definition be broken up and refined into several specific uses, with each use evaluated for its appropriateness to individual districts, and that outdoor recreation facilities used to fulfill civic space requirements be distinct from “golf courses and their customary accessory uses” as well as from campgrounds or RV park/campgrounds. Therefore, we propose the following definitions:

Recreation Facilities, Outdoor. Parks and other open space used for active or passive recreation such as ball fields, batting cages, skateboard parks, playgrounds, greenway trails, driving ranges, tennis courts, and riding stables and their customary accessory uses including, but not limited to, maintenance sheds, food concessions, pools, restrooms, and picnic shelters. This definition is inclusive of both non-profit and for-profit operations.

Golf Course/Country Club. A clearly defined area designed for playing golf, consisting of a course of at least 9 holes, each with a tee, fairway, and green. Accessory facilities and uses may include, but are not limited to, clubhouses (with or without food and beverage service), locker and shower facilities, event facilities (ballrooms, pavilions, conference rooms, etc.), lodging facilities, driving ranges, the retail sale of golf-related merchandise, maintenance buildings, and golf cart storage, rental, and sale facilities. This definition does not include miniature golf courses or stand-alone driving ranges.

Campground. A designated area in which tents or recreational vehicles may be set up for temporary occupancy. Accessory facilities and uses may include, but are not limited to, bathing facilities, swimming pools, the retail sale of camping-related merchandise, maintenance buildings, and picnic shelters.

Recreational Vehicle Park. Any site of land designated specifically for two or more recreational vehicles, campers, and/or travel trailers with individual parking spaces and hook ups as temporary living or sleeping quarters for less than 180 days out of a 365 day year.

Planning Board Recommendation

The Planning Board recommended to the Board of Aldermen the following amendments to the Land Development Standards:

1. Adopt the proposed amended definition of Recreation Facilities, Outdoor.
2. Adopt the proposed definition of Golf Course/Country Club and permit this use only in Low Density Residential Districts.
3. Adopt the proposed definition of Campground and do not permit this use in any zoning district.
4. Adopt the proposed definition of Recreational Vehicle Park and do not permit this use in any zoning district.

Consistency with the 2035 Comprehensive Land Development Plan

The Planning Board confirmed that the following goals of the Comprehensive Plan apply:

Goal 1: Continue to promote smart growth principles in land use planning and zoning.

- Encourage in-fill and context-sensitive development;
- Promote conservation design to preserve important natural resources;
- Reinforce the unique character of Waynesville.

Goal 3: Protect and enhance Waynesville's Natural Resources.

- Encourage park and greenway development to protect watersheds and improve access to open space.
- Protect rural lands, iconic views and mountain vistas.

Goal 5: Create opportunities for a sustainable economy.

- Promote Waynesville's downtown districts, inns, restaurants, and reputation as the "Gateway to the Smokies."

- Support the Town's Parks and Greenway Master Plan and develop recreational facilities and a greenway system that appeals to neighborhood and regional users.

Goal 6: Create an attractive, safe and multi-modal transportation system/

- Support development of the Richland Creek Greenway and Regional greenway connections between Waynesville, Asheville and other Haywood County and Western Carolina destinations.
- Ensure citizenry has access to recreational, health and wellness and medical services.

**TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: October 13, 2020**

SUBJECT:

To call for a Public Hearing for a Land Development Standards Text Amendment to Section 4.3.4(F) – Encroachments, Handicapped Ramps.

AGENDA INFORMATION:

Agenda Location: Call for Public Hearings
Item Number: D7
Department: Development Services
Contact: Byron Hickox, Land Use Administrator
Presenter: Byron Hickox, Land Use Administrator

BRIEF SUMMARY:

LDS Section 4.3.4(F) states that handicap ramps and fire escapes may encroach into any required yard, but may not be closer than 3 feet to any property line. For lots on which the principal structure is located fairly close to a public sidewalk, and depending on the exact location of the property line, this particular encroachment standard could actually prevent an accessibility ramp from connecting to the sidewalk. This could potentially complicate the design and construction, and increase the cost of such a ramp. The proposed amendment can be read in the attached staff report.

At its September 21, 2020 meeting the Planning Board voted unanimously to recommend to the Board of Aldermen the proposed amendment to this section of the LDS.

MOTIONS FOR CONSIDERATION:

1. Motion to call for a public hearing on Tuesday, October 27, 2020 to consider a text amendment to Land Development Standards Section 4.3.4(F).

FUNDING SOURCE/IMPACT:

N/A

ATTACHMENTS:

Staff report

MANAGER'S COMMENTS AND RECOMMENDATIONS:

Board of Aldermen Staff Report

Subject: Encroachment Standards for Accessibility Ramps & Fire Escapes
Ordinance Section: Section 4.3.4(F) – Encroachments
Applicant: Staff Initiated
Meeting Date: October 13, 2020

Background

Currently, Land Development Standards Section 4.3.4(F) – Handicapped Ramps, states:

***Handicapped Ramps:** Ramps for handicap accessibility and fire escapes that are required by the North Carolina State Building Code may encroach into any required yard but may not be closer than three (3) feet to any property line.*

For lots on which the principal structure is located fairly close to a public sidewalk, and depending on the exact location of the property line, this particular encroachment standard could actually prevent an accessibility ramp from connecting to the sidewalk. This could potentially complicate the design and construction, and increase the cost of such a ramp.

Staff Recommendation

Staff recommends that Section 4.3.4(F) – Handicapped Ramps, be retitled and changed to read:

Accessibility Ramps and Fire Escapes: Ramps for handicap accessibility and fire escapes that are required by the North Carolina State Building Code may encroach into any required yard but may not be closer than three (3) feet to any property line. When an accessibility ramp is constructed in a yard that is adjacent to a public sidewalk, the ramp may encroach into the required yard to the extent necessary to connect to the sidewalk.

Planning Board Recommendation

At its September 21, 2020 meeting the Planning Board voted unanimously to recommend to the Board of Aldermen the proposed amendment to this section of the Land Development Standards.

Consistency with the 2035 Comprehensive Land Development Plan

The Planning Board confirmed that the following goals of the Comprehensive Plan apply:

Goal 1: Continue to promote smart growth principles in land use planning and zoning.

- Create walkable and attractive neighborhoods and commercial centers.
- Encourage in-fill and context-sensitive development.

Goal 2: Create a range of housing opportunities and choices.

- Promote a diverse housing stock including market rate, workforce housing and affordable options that appeal to a variety of households.

Goal 5: Create opportunities for a sustainable economy.

- Encourage creatively designed, mixed-use, walkable centers and commercial districts that appeal to residents and visitors.

Goal 6: Create an attractive, safe and multi-modal transportation system.

- Provide an interconnected transportation network of roadways, greenways, freight mobility, bicycle routes, and sidewalks that improves safety and strategic access for all users.

**TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date:**

SUBJECT: Call for the Board of Aldermen to hear an appeal of an Administrative Decision.

AGENDA INFORMATION:

Agenda Location: Call for Public Hearings
Item Number: D8
Department: Development Services
Contact: Jesse Fowler, Planner
Presenter: Jesse Fowler, Planner

BRIEF SUMMARY:

Mr. Jon Nowakowski has appealed the decision of the Chief Building Inspector regarding an inspection of the property identified as 101 East Street, PIN # 8615-36-6895. This is a call for a hearing of the Board of Aldermen to be held at the regular scheduled meeting on October 27, 2020.

MOTION FOR CONSIDERATION:

Motion for the Board of Aldermen to hear the appeal of an administrative decision at their regular scheduled meeting on October 27, 2020.

FUNDING SOURCE/IMPACT: NA

ATTACHMENTS:

- Finding of Fact and Order dated October 2, 2020
- Written notice of appeal dated October 5, 2020

MANAGER'S COMMENTS AND RECOMMENDATIONS:

To: The Town Clerk

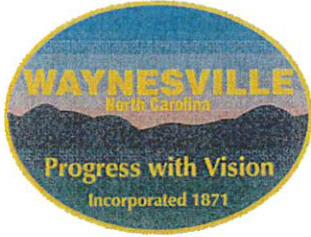
This letter is to appeal to the Board of Aldermen the recent decision of the Codes Administrator Tom Maguire regarding PIN# 8615-36-6895 document #10022020 dated 10/2/2020.

Sincerely,

Jon Nowakowski

 10/5/2020

828-421-4567



TOWN OF WAYNESVILLE

Development Services Department

PO Box 100

9 South Main Street

Waynesville, NC 28786

Phone (828) 456-8647 • Fax (828) 452-1492

www.waynesvillenc.gov

FINDING OF FACT AND ORDER

To: Carolyn M. Nowakowski
Jonathon James Nowakowski
174 Harrell Dr.
Lake Junaluska, NC 28745

Re: PIN# 8615-36-6895
101 East St.
Date: October 2, 2020
Document #10022020

Dear Carolyn and Jonathon Nowakowski:

Pursuant to Sections 10-156 and 10-158 (a) of the Code of Ordinances of the Town of Waynesville, a hearing was held on September 25, 2020 to determine if the structure at 101 East St. is unsafe and to determine what actions the owner would need to take to correct the hazardous conditions which exist.

The owner of the property, Jonathan Nowakowski, appeared at the hearing and was made aware of the concerns of the town regarding the condition of the electric system and was presented with several options to pursue to correct the violations. Statements by the owner and by Willie Smith, the Head of the Town of Waynesville Electric Utility Division, and by Tom Maguire, Codes Administrator for the Town, were carefully considered in determining the outcome of the hearing.

Upon the record, and in consideration of the evidence presented and an evaluation of the hazard level existing at the property, the undersigned Codes Administrator does hereby find the following facts:

1. That the above named owners of the structure located at 101 East St. in the town of Waynesville, NC were served as required by law with a written notice of violation, dated September 04, 2020, setting forth the determination that the referenced property is unsafe and unfit for human habitation and use.
2. That the property is, in fact, unsafe and presents a fire and safety hazard to its occupants, to adjacent structures, and to the public.
3. That the defects present at the structure must be immediately corrected.
4. That the owner must vacate the structure within fifteen working days from the date of this Order.

Any owner wishing to appeal an Order issued under Section 10-158(c), may appeal it to the Board of Aldermen by giving written notice of appeal to the Codes Administrator and the Town Clerk within ten (10) days following the issuance of the order. The Board shall hear an appeal within a reasonable time and may affirm, modify and affirm, or revoke the order. In the absence of an appeal, the Order of the Codes Administrator shall be final.

If you have any questions, please feel free to contact me at (828) 476-7108.

Tom Maguire

Date: 10/02/2020


Codes Administrator

TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: October 13, 2020

SUBJECT: Public Hearing to consider a Community Development Block Grant (CDBG) application for utility infrastructure improvements in Hazelwood.

AGENDA INFORMATION:

Agenda Location: Public Hearing
Item Number: E9
Department: Development Services
Contact: Elizabeth Teague, Development Services Director
Presenter: Karen Kiehna, McGill and Associates

BRIEF SUMMARY: As part of their work for the Town, McGill and Associates identified a potential CDBG grant opportunity to improve sewer infrastructure within two census tracts located in Hazelwood: the Hyatt and Robinson Street neighborhoods. The Board must hold a public hearing and approve the application. Karen Kiehna, Housing Specialist, McGill and Associates will present information on the project and answer questions from the Board and public. CDBG application deadline is November 23, 2020.

MOTIONS FOR CONSIDERATION:

1. Motion to Open the public hearing
2. Motion to Close the Public Hearing
3. Motion to approve CDBG Grant Application for sewer line improvements as presented.

FUNDING SOURCE/IMPACT: This particular CDBG grant would provide 100% funding for replacement of sewer lines.

ATTACHMENTS: Grant Program Overview

MANAGER'S COMMENTS AND RECOMMENDATIONS: This project will assist the Town in addressing the SOC.

**TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: October 13, 2020**

SUBJECT: Clarification on the naming of the park located at 10 Calvary street as “Obama/King Park”.

AGENDA INFORMATION:

Agenda Location: New Business
Item Number: F10
Department: Development Services
Contact: Jesse Fowler, Planner
Presenter: Jesse Fowler, Planner

BRIEF SUMMARY:

Staff is requesting clarification on the naming of the park located at 10 Calvary street in order to move forward with the ordering park signage.

MOTION FOR CONSIDERATION:

Motion to name the park located at 10 Calvary Street as “Obama/King Park”

FUNDING SOURCE/IMPACT: NA

ATTACHMENTS:

MANAGER’S COMMENTS AND RECOMMENDATIONS:

**TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: 10/13/20**

SUBJECT Final Draft of SOC and Engineering Report (ER), formerly PER)

AGENDA INFORMATION:

Agenda Location: Manager's Report
Item Number: G11
Department: Wastewater Treatment
Contact: Rob Hites, Town Manager
Presenter: Rob Hites, Town Manager

BRIEF SUMMARY: For the past year the Town and McGill Engineers has been negotiating a "Special Order of Consent" with both DENR's Asheville Regional Office and its Raleigh headquarters. We are close to completion of our negotiations. The SOC is a civil contract with DENR that sets the term of a waste- water infrastructure project as well as the chemical limits that the plant must meet to remain in compliance. If a governmental unit violates the SOC they receive a \$1,000 fine for violating the interim limits, \$1,000 for exceeding the construction schedule, \$1,000 for missing progress reports (fine doubles with each subsequent assessment for late reports).

The Town's current permit limits have been modified in two areas, (1) Total Suspended Solids permit: 30 mg/L. Modified limit 45 mg/L. Current Weekly average for Fecal Coliform 400 mg/L. Modified Fecal Coliform 600 mg/L. Current monthly average for Fecal Coliform 200 mg/L. Modified Fecal Coliform 200 mg/L (no change).

The project schedule is roughly four years. Increments are set in months rather than dates so DENR approval of milestones will not be counted against the project schedule.

The Town has been given 155,000 gallons per day of additional flow to account for new development. If we need more than that we will request it on a case by case basis.

The Town owes a total of \$22,500 in assessed fines. We will pay DENR \$4,129 upon signing of the SOC. The remaining \$16,516.48 will be held in abeyance until the end of the project. If the project has not been completed or there are material violations of the SOC the entire \$16,516.48 will be due. If not, the fees will be waived.

MOTION FOR CONSIDERATION: Approve the draft SOC

FUNDING SOURCE/IMPACT: Waste- Water Fund

ATTACHMENTS: Draft SOC, Award Letter, Engineering Report(<https://File.AC/T192f503fy81>).

MANAGER'S COMMENTS AND RECOMMENDATIONS: The Engineering Report in long and hard to read in some places. It provides DENR with a review of the project, alternative treatment systems that the Town has considered. A summary of the cost of the rehabilitation and its impact on rates. (We are currently seeking a clarification of the award of \$17,400,000 in SRF loans when we request \$19,400,000 in the Engineering Report.) The report does not need additional Board approval. We request Board concurrence with the terms of the SOC.

NORTH CAROLINA
ENVIRONMENTAL MANAGEMENT COMMISSION

COUNTY OF HAYWOOD

IN THE MATTER OF)	
NORTH CAROLINA)	SPECIAL ORDER BY CONSENT
NPDES PERMIT NC0025321)	
HELD BY)	EMC SOC WQ S19-005
TOWN OF WAYNESVILLE)	
)	

Pursuant to provisions of North Carolina General Statutes (G.S.) 143-215.2 and 143-215.67, this Special Order by Consent is entered into by the Town of Waynesville, hereinafter referred to as the Town, and the North Carolina Environmental Management Commission, an agency of the State of North Carolina created by G.S. 143B-282, and hereinafter referred to as the Commission:

1. The Town and the Commission hereby stipulate the following:
 - (a) The Town holds North Carolina NPDES permit NC0025321 for operation of the Town of Waynesville wastewater treatment plant (WWTP) and for making an outlet therefrom for the discharge of treated wastewater to the Pigeon River, currently classified C waters of this State in the French Broad River Basin. The Town is unable to consistently comply with effluent limitations for Total Suspended Solids (TSS) and fecal coliform as set forth in NPDES Permit NC0025321. Compliance will require preparation of plans and specifications for construction and operation of an upgraded WWTP and continued reduction of inflow and infiltration (I&I) within the collection system.
 - (b) Noncompliance with final effluent limits constitutes causing and contributing to pollution of the waters of this State named above, and the Town is within the jurisdiction of the Commission as set forth in G.S. Chapter 143, Article 21.
 - (c) The Town has secured funding for the planning, design and construction of improvements to the current WWTP ~~which address consisting of full replacement of the upgrade of the headworks, addition of an EQ basin, removal of primary clarifiers and replacement with primary drum filters, rehabilitation of the current aeration basins, installation of two new circular secondary clarifiers, improvements in solids management, replacement of two gravity thickeners with a drum thickener,~~ conversion of the from anaerobic digester to an aerated sludge holding tank and conversion from gas to liquid disinfection. Completion of the project will provide the Town with the ability to adequately treat incoming wastewater, properly manage solids and aid the facility in returning to compliance with NPDES Permit No. NC0025321.
 - (d) Since this Special Order is by Consent, neither party will file a petition for a contested case or for judicial review concerning its terms.
2. The Town, desiring to comply with the permit identified in paragraph 1(a) above, hereby agrees to do the following:
 - (a) The Town has outstanding civil penalty assessments for NPDES permit NC0025321 that total

Commented [A1]: This stipulation represents essentially facts about this SOC. The project planned is an extensive upgrade of the plant's ability to consistently achieve its final permit limits. The following modification are necessary to accurately represent the project.

Commented [A2]: An equalization basin isn't included in the project.

Commented [A3]: At this point, there may be some revision to the improvements related to sludge thickening. The gravity thickeners may be upgraded rather than adding a drum thickener. The project will improve solids handling and management.

\$20,645.48. The Town has violations that have not been assessed by the Division to-date that approximate \$22,500. As settlement of all violations, including those assessed and pending, the Town agrees to pay an upfront penalty of \$4,129.00, with the remaining amount of \$16,516.48 to be held in abeyance until the successful completion of this SOC. Upon the successful completion of this SOC, the remaining penalty amount held in abeyance (\$16,516.48 assessed) will be remitted in full and the assessment of pending violations waived. Should the Special Order of Consent not reach successful conclusion, the full remaining assessed penalty of \$16,516.48 will be due immediately by check payable to the North Carolina Department of Environmental Quality and forwarded to the Director. The Division retains the right to address those violations not assessed approximating \$22,500 if the SOC is not successfully completed.

- (b) Undertake the following activities in accordance with the indicated time schedule:
- (1) Within **60 days**, following the issuance of the SOC, submit an update on current I&I reduction efforts and a copy of the Town's current collection system CIP.
 - (2) On or before **April 15, 2021**, submit plans for an Authorization to Construct.
 - (3) On or before **November 1, 2020**, submit and/or make available online the flow measurements obtained from the meter installed downstream of the intermediate pump station.
 - (4) Four (4) months following issuance of the AtoC, advertise project, receive bids & receive authority to award for the construction of plant improvements
 - (5) Three (3) months following receipt of authority to award the construction contract, begin construction of the plant improvements as outlined in the AtoC.
 - (6) Twenty-four (24) months after beginning construction, complete construction of the Waynesville WWTP improvements.
 - (7) Three (3) months following completion of construction, achieve compliance with the NPDES Permit NC0025321.
 - (8) Provide quarterly progress reports summarizing activities undertaken by the Town regarding the construction of the WWTP. Reports will also provide a summary of the performance of the Town's existing WWTP during the previous quarter, and detail efforts made to optimize the WWTP during that time.
 - (9) Provide semi-annual progress reports on the Town's concurrent efforts to address and remove significant sources of I&I. Additionally, updated copies of the Town's CS CIP shall be submitted as they become available. Reports may be provided by hard copy or electronic means and shall be received by the NC DEQ Asheville Regional Office and the DWR Central Office no later than the 10th day following the end of the quarter during the period of time the Order is in effect.

Commented [A4]: The Engineering Report was just recently approved, and design has been delayed due to this and other factors.

Commented [A5]: We recommend removal of the word "approvable." The Town certainly will strive to submit plans that are complete and that can be approved, however, experience in seeking other approvals usually results in additional information requests, particularly when a comprehensive project is being designed and permitted. The request for additional information could be seen to characterize the plans as "not approvable" on first submission.

- (c) During the time in which this Special Order by Consent is effective, comply with the interim effluent limitations contained in Attachment A. Under this Special Order of Consent, **only the parameters listed below have been modified from the most current NPDES Permit in effect.** The following reflects only the limitations that have been modified from NPDES requirements by this Order:

Parameter	Units	Current Permit Limits		Modified Limits (SOC)	
		Monthly Average	Weekly Average	Monthly Average	Weekly Average
Total Suspended Solids (TSS)	mg/L	30	45	45	100
Fecal Coliform	mg/L	200	400	200	600

- (d) No later than thirty (30) calendar days after any date identified for accomplishment of any activity listed in paragraph 2. (b) (1) – (7) above, submit to the Director of DWR a **written notice** of compliance (including the date compliance was achieved along with supporting documentation if applicable) or noncompliance therewith. In the case of noncompliance, the notice shall include a statement of the reason(s) for noncompliance, remedial action(s) taken, and a statement identifying the extent to which subsequent dates or times for accomplishment of listed activities may be affected.
3. The Town agrees that unless excused under paragraph four (4), the Town will pay the Director of DWR, by check payable to the North Carolina Department of Environmental Quality, stipulated penalties according to the following schedule for failure to meet the deadlines set out in paragraph 2.

SOC Violation	Stipulated Penalty
Failure to meet a schedule date listed in paragraphs 2.(b)(1) through 2.(b)(6).	\$1000 per missed schedule date within the first seven (7) days of tardiness; \$750 per day thereafter.
Failure to submit progress reports as required by paragraph 2.(b)(7&8).	\$1000 for the first violation; penalty doubles with each subsequent assessment for late reports.
Failure to maintain compliance with any modified limit contained in the SOC.	\$1000 for exceeding monthly average limit; \$500 for exceeding weekly average limits.,
Monitoring frequency violations for modified parameters	\$100.00 per omitted value per parameter

4. The Town and the Commission agree that the stipulated penalties are not due if the Town satisfies DWR that noncompliance was caused solely by:
- (a) An act of God;
 - (b) An act of war;
 - (c) An intentional act or omission of a third party, but this defense shall not be available if the act or omission is that of an employee or agent of the defendant or if the act or omission occurs in

connection with a contractual relationship with the permittee;

- (d) An extraordinary event beyond the permittee’s control. Contractor delays or failure to obtain funding will not be considered as events beyond the permittee’s control; or
- (e) Any combination of the above causes.

Failure within thirty (30) days of receipt of written demand to pay the penalties, or challenge them by a contested case petition pursuant to G.S. 150B-23, will be grounds for a collection action, which the Attorney General is hereby authorized to initiate. The only issue in such an action will be whether the thirty (30) days has elapsed.

- 5. This Special Order by Consent and any terms and/or conditions contained herein, hereby supersede any and all previous Special Orders, Enforcement Compliance Schedule Letters, terms, conditions, and limits contained therein issued in connection with NPDES permit NC0025321.
- 6. Failure to meet the schedule dates identified in section 2 may terminate this Special Order by Consent and require the Town to comply with the terms and conditions contained in permit NC0025321.
- 7. Noncompliance with the terms of this Special Order by Consent is subject to enforcement action in addition to the above stipulated penalties, including injunctive relief pursuant to G.S. 143-215.6.C.
- 8. In accordance with the provisions of G.S. 143-215.67(b) the Commission allows the Town of Waynesville to accept the additional waste specified below to its waste disposal system. The approval of additional flow involving the issuance of a sewer extension permit will be in the form of an issued permit allowing the extension.

Project	Gallons per Day
Total Projected New Flow Over Term of SOC to Provide Minimum Reasonable Service	155,000
Total	155,000

Commented [A6]: Having to secure communication from the Director of DWR could present some administrative delays that may impact a project. Those additional flow projects needing a sewer extension permit would require that permit to be issued before the project could be accepted.

- 8. **The permittee, upon signature of this Special Order by Consent, will be expected to comply with all schedule dates, terms, and conditions of this document.**
- 9. This Special Order by Consent shall expire July 1, 2024.

For the Town of Waynesville:

Rob Hites
Town Manager

Date

For the North Carolina Environmental Management Commission

Director, Division of Water Resources

Date

DRAFT



NORTH CAROLINA
Environmental Quality

ROY COOPER
Governor

MICHAEL S. REGAN
Secretary

Kim H. Colson
Director

July 19, 2019

Mr. Rob Hites, Town Manager
Town of Waynesville
PO Box 100
Waynesville, NC 28786

Subject: Letter of Intent to Fund
Wastewater Treatment Plant
Improvements Phase I
April 2019 Application Cycle
Project No.: CS370930-01

Dear Mr. Hites:

The Division of Water Infrastructure has reviewed your application, and the State Water Infrastructure Authority has approved your project as eligible to receive a Clean Water State Revolving Fund (CWSRF) loan of \$17,400,000. Twenty-five percent of the loan (up to a maximum of \$500,000) will be forgiven, and the remainder will be repayable at zero interest. A loan fee of 2% will be invoiced after bids have been received.

Please note that this intent to fund is contingent on approval of the loan through the Local Government Commission and on meeting **all** of the following milestones:

<u>Milestone</u>	<u>Date</u>
Engineering Report Submittal	December 2, 2019
Engineering Report Approval	May 1, 2020
Bid and Design Package Submittal	November 2, 2020
Bid and Design Package Approval	March 1, 2021
Advertise Project, Receive Bids, Submit Bid Information, <u>and</u> Receive Authority To Award	July 1, 2021
Execute Construction Contract(s)	August 2, 2021

The first milestone is the submittal of an Engineering Report by close of business on December 2, 2019. The Engineering Report must be developed using the guidance found on our website (<https://deq.nc.gov/about/divisions/water-infrastructure/i-have-funding/engineering-report/environmental-information>). **Failure to meet any milestone may result in the forfeiture of funding for the proposed project.**



Mr. Rob Hites, Town Manager

July 19, 2019

Page 2 of 2

Upon detailed review of the project during the funding process, it may be determined that portions of your project are not eligible for funding and the total funding amount may be reduced. Additionally, changes in the scope or priority points awarded – based on additional information that becomes apparent during project review – may also result in changes to the total funding amount and loan terms.

Davis-Bacon Requirements and American Iron and Steel Provisions

Projects funded through the State Revolving Fund (SRF) program must comply with Davis-Bacon wage requirements and American Iron and Steel provisions. You can find standard specifications covering these requirements on our website.

Joint Legislative Committee on Local Government Notification Requirements

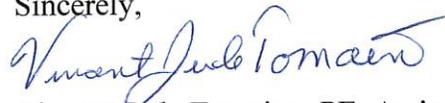
In accordance with G.S. 120-157.2, local government units with projects that require debt to be issued greater than \$1,000,000 **must** submit a letter to Committee Chairs, Committee Assistant, and the Fiscal Research Division of the General Assembly at least 45 days prior to presentation before the Local Government Commission. You are responsible for submitting that letter and providing a copy to the Division.

Brooks Act Compliance

Projects funded through the CWSRF program must comply with the federal Brooks Act for the selection of architectural and engineering services. SRF projects cannot be exempted from qualification-based selection of these services under N.C.G.S. 143-64.32. Any services provided that were not selected in compliance with federal requirements will be ineligible for reimbursement.

If you have questions, please contact Anita E. Robertson, PE, Wastewater Projects Unit Supervisor, at 919-707-9174.

Sincerely,



Vincent Jude Tomaino, PE, Acting Chief
State Revolving Fund Section

CC: Alice Briggs, WithersRavenel, Asheville
Anita E. Robertson, PE
Mark Hubbard, PE
Project File (**COM_LOIF**)